

COUNTY OF SUFFOLK



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Department of
Economic Development and Planning

SUFFOLK COUNTY AGRICULTURAL AND FARMLAND PROTECTION BOARD

KENNETH J. SCHMITT, CHAIRMAN

ZOOM MEETING

Thursday, April 22, 2021
5:30 p.m.

DRAFT - MEETING MINUTES

(not approved yet by the SC Agricultural and Farmland Protection Board)

BOARD MEMBERS PRESENT:

Frank Beyrodt	Active Farmer
Dennis Brown	Director of Real Property Tax Service Agency
Nora Catlin	Cornell Cooperative Extension Agent
Lee Foster, Vice Chair	Active Farmer
John Halsey	Agricultural Land Preservation Representative
Sarah Lansdale	Director of Planning
Al Krupski	Suffolk County Legislator
Kenneth J. Schmitt, Chair	Active Farmer
Rob Carpenter	SC Soil and Water Conservation District

BOARD MEMBERS ABSENT:

BOARD STAFF PRESENT:

Lauren Allegue	Planning Aide
Andrew Amakawa	Senior Planner
Robert Braun	Counsel, Dept. of Law
August Ruckdeschel	Farmland Coordinator

GUESTS:

Leg. Kara Hahn, SC Legislator, 5th District
Assemblyman Steven Englebright

Karen Hansen, Esq., Law firm of Margolin Besunder
Robert Vestigo, East Setauket resident
Joseph Prokop, Esq., Representing Village of Islandia
Tom Malz, E. Setauket resident
George Hoffman, Setauket Civic Association
Bill Zalakar: President, LI Farm Bureau
Ryan McGann, Owner, HydrOrganic Farm LLC
Steven Searl, Sylvester Manor
Mrs. Garcia, Cassidy Hill Farms, LLC
Lee Snead, Esq., Attorney for Pal-O-Mine Equestrian, Inc.

August Ruckdeschel: Welcome everyone. This is the April 22, 2021 scheduled meeting of the Suffolk County Agricultural and Farmland Protection Board and for the record, we do have a quorum present. I'll have Lauren do a roll call in just a minute. The notice of the meeting followed the Open Meetings Law as amended by Executive Order 202.1, allowing meetings to take place telephonically or through other similar services. In this instance, we will be using ZOOM and will be recording the entirety of the meeting. If the meeting unexpectedly closes for any reason, please wait one minute and then try to reconnect. All votes on Board Actions and Resolutions will be done via a roll call and we ask that Board Members clearly state their name when making a motion and clearly state their vote when their name is called. So, here is our Agenda for the meeting tonight. Lauren, can you do a roll call please?

(*Roll Call by Lauren Allegue, Planning Aide*)

Rob Carpenter: Here

Leg. Al Krupski: Here

Sarah Lansdale: Here

Nora Catlin: Here

Dennis Brown: Here

John Halsey: No response.

August Ruckdeschel: John can't make it tonight.

Lauren Allegue: Okay.

Laurie McBride: Here

Ken Schmitt: Here

Karen Rivara: No response.

Lee Foster: No response.

Frank Beyrodt: I'm here. I just sent the link to Lee, so I hope she'll be on.

Lauren Allegue: Okay, that's eight so far.

Unidentified: I'm here. I don't know if you can hear me. I'm driving.

August Ruckdeschel: Who is that?

Karen Rivara: Karen.

August Ruckdeschel: Okay, that's Karen.

Lauren Allegue: Okay, great. Thank you. So that's nine here so far.

August Ruckdeschel: Great. So we have a quorum and Lee will join us shortly. So we will now open the Public Portion. Individuals...

Ken Schmitt: One minute, Augie. I think the first order of business is approval of the Minutes of the April 29, 2020 and the May 12, 2020 Meetings approval of the minutes. Is there a motion to approve those minutes?

Sarah Lansdale: I'll make the motion.

Ken Schmitt: Second to that?

Frank Beyrodt: Second.

Ken Schmitt: Any objection. If not, all in favor

August Ruckdeschel: We have to do a roll call, Ken.

Ken Schmitt: Okay.

August Ruckdeschel: Go ahead, Lauren.

(*Roll Call by Lauren Allegue, Planning Aide*)

Rob Carpenter: Yes

Leg. Al Krupski: Yes

Lauren Allegue: Sarah Lansdale motioned.

Nora Catlin: Yes

Dennis Brown: Yes

Laurie McBride: Yes

August Ruckdeschel: Laurie, you should abstain, just because you weren't here last year.

Laurie McBride: Okay.

Lauren Allegue: Thank you.

Ken Schmitt: Yes

Karen Rivara: No response.

Lauren Allegue: Same thing.

Ken Schmitt: Abstain?

August Ruckdeschel: Yeah, Karen should abstain as well.

Lauren Allegue: Thank you. And then Frank seconded. So that is seven.

Ken Schmitt: That passed, correct?

August Ruckdeschel: Yup. Thank you for correcting me, Ken.

Ken Schmitt: All right, the Public Comment section limits all speakers to a maximum of three (3) minutes to talk on any applications or any parcel that is being submitted and limit your comments to three (3) minutes. We also did receive comments through the mail or e-mails whatever, so we'll take that into consideration. If you're repeating what was maybe sent in, you might limit your comments to stay within the three (3) minutes. Thank you. So, Augie take over and you can monitor the Chat Room, you might call it.

August Ruckdeschel: Sure. So, just as a quick recap, as the Chair mentioned, we had received public comments on the following applications that were shared with all the Board Members prior to, or as soon as those public comments were received. Most of them were received today. They were shared and distributed to all the Board Members. And, now we will open it up to public comment for three (3) minutes. Lauren, if you could be my time keeper; and if you could raise your hand, I will do my best to acknowledge the raised hands in the order that I see them. So, I see Legislator Hahn in the top left of my screen, so you get to go first Legislator.

Leg. Kara Hahn: I knew enough to raise my hand right away. Okay, thank you and Happy Earth Day to everyone here today. It is somewhat fitting that I am testifying today on this matter when we are celebrating our earth and our land. As the Suffolk County Legislator representing the East Setauket community, I am in opposition of the application submitted by Ryan McGann for inclusion into Agricultural District No. 3. Central to the State's intent in adopting Article 25AA of the Agriculture and Markets Law, with an objective to "conserve, protect and encourage the development and improvement of its agricultural land for production of food and other agricultural products". The Legislature is specific in criteria for each of the scenarios definitions enumerated for "land used in agricultural production" with each identifying the concept of physical land, our earth, in support of farm operations being key to this section of law. What this applicant seeks, however, is not to protect agricultural land, as defined in NYS Law or any shared notion of this concept, but rather an unprecedented reinterpretation of the Code from the physical and permanent to the boundless and transient. At this time, the applicant's agricultural production is confined to what is essentially the trailer portion of several big rigs stored on his property, on his 1.1 acre property against Town Code. In actuality, there would be little difference for the applicant, if these trailers were instead, parked in a shopping center or at a park-n-ride, rather than next to people's homes. While I fully understand farming across Long Island and in New York State is not confined to the fields, there is, I believe, a universal understanding that it is tied to land and our earth. As such, the important benefits afforded to the farming community from inclusion in an agricultural district, should not be allowed to be exploited by an operator whose only link to the land is from a tow hitch. Recommending the Ryan McGann parcel for inclusion within Agricultural District No. 3 will set an unintended precedent that will likely invite future applicants who are more interested in circumventing local zoning codes and tax assessments than sustaining our regions farming industry. As your decision on this application has the potential to redefine what a farming operation is, I ask for your careful deliberation and disapproval of the Ryan McGann parcel. Thank you.

August Ruckdeschel: Thank you, Legislator Hahn. Anyone else? Please raise your hand if you can. I see a hand from Karen Hansen. I'm going to unmute you now. Go ahead Karen.

Karen Hansen: Yes, my name is Karen Hansen. I am an attorney with the Law Firm of Margolin Besunder. We represent the owners of 334 and 336 Main Street in East Setauket. These are properties that abut the McGann property. In our written submissions, we've given you the legal reasons why we think that the McGann property doesn't qualify for inclusion in an agricultural district; and we join in the comments of others who have voiced their opposition to this application. Our clients live in small, historic houses on small properties, which are located in a historic residential neighborhood. While our clients support farming, they do not support highly visible industrial containers sitting only a few feet from their property lines. These containers, which are 40 ft. x 8 ft. x by 9 ½ ft. change the character of our client's properties and the character of their neighborhood. There are two single-family dwellings on the McGann property. The only portion of that property where any cultivation is taking place is in those containers; and the area where those containers are located represents only approximately 2% of the total square footage of that lot. The applicant has sited three industrial containers on his residential property and is calling it a farm. We ask that you do not support this. We ask that you not recommend the inclusion of this parcel in an agricultural district. Including this property in an agricultural district would torture the idea of what agricultural land is. The State and the County are charged with carrying out the intent and purpose of the Agriculture and Markets Law to preserve agricultural land. This application has nothing to do with preserving agricultural land. It would not serve the public interest to include this property in an agricultural district by rewriting the prerequisites for inclusion. Thank you.

August Ruckdeschel: Thank you Karen. I'm looking for other hands to be raised.

Unidentified caller: How do I raise my hand?

August Ruckdeschel: Who said that?

Assemblyman Englebright: Englebright.

August Ruckdeschel: Oh, okay. Assemblyman, please go ahead.

Assemblyman Englebright: Thank you. So, I would like to associate myself with the comments just made and the comments that my colleague from the County Legislature, who is also my Legislator, Kara Hahn. You know, it's probably easier for me to read a portion of my letter. I am here to oppose the application by Ryan McGann for inclusion in Agricultural District No. 3; and the reason is because this is not environmental. You know, we fund, at the State level, I Chair the Committee on Environmental Conservation and I oversee, in part, the Environmental Protection Fund, which provides funding for farms because they are part of the environment. Shipping containers are not part of the environment, bottom line. You can put a shipping container anywhere and call it a farm, but that doesn't mean that it is in anyway part of the environment. It has no soil, it has no use of sunlight, it could be in a basement. To put this clearly, the applicant has come into a residential neighborhood and altered the site saying, I'm a farmer, wanting all the benefits of being a farmer, and now wants to further have benefits that farmers have fought for over many years by joining an ag district. I have to tell you that is not consistent with the State legislative intent of existing legislative law. It is linked to land. It is linked to the tradition and the romance really, of farming. It is a part of our culture. Shipping containers are not. This property is not a farm, has not, within memory, been a farm, certainly not since the two houses were built on the property. And so, I am very concerned that what we're looking at is an effort to break zoning. In this case, in a historic district that is extremely important to this community, and to establish a precedent that would really be very difficult to deal with. When I do the budget each year I don't want to fund through the Environmental Protection Fund, shipping containers. I want to fund real, legitimate farms. I don't want to see a conflict develop here at the local level that would be difficult to deal with in Albany, where State Ag & Markets might say, "My gosh Legislator, why are you here arguing against having this going in to a State-wide use, when it's been approved locally in your own district and in your own neighborhood?" Please don't place me in that

position. Please don't force me to choose, next year, as to whether to continue to fund farms because by so doing I would be funding shipping containers on properties that were not farms. And so, that's the dilemma that this application presents, and that's why I appear before you. I grew up on a farm. My family is a farming family from the Midwest. I have great regard for the fact that this is the number one farming county in the whole state of New York. We have two growing seasons because we're maritime. This is a community in a county with a great farming tradition. It does not include shipping containers as part of that tradition. Please do not equate farming with shipping container growing. That would be very harmful and in fact, an abuse, in my opinion, of the tradition of farming. If this application had come before you and was involving a pre-existing farmer who wanted to rent 1,000 square feet, that would be enough to take in these three shipping containers, this would not be a controversy. To use an existing farm or an existing farmer as a supplement to what he's doing in an ongoing way involving real soil and real sunlight, it wouldn't be a problem, but, that's not what we're seeing. We're seeing someone who's gone into a residential community with pre-existing residential homes in a historic district and covers the soil with crushed concrete, so you can't even see the soil, disrespecting the preeminence of soil being important and says, "I'm a farmer, I want all the protections of other farmers." That's abusive, it's deceptive, it is troubling. I urge you to reject this, because it's only going to lead to court action to protect the premise of zoning which is something that I really don't want to see the farming community have to confront in a courtroom, because it becomes unpredictable and one of the most important things for our farming community is predictability. That stability is important to all of us. Thank you for this opportunity to share my thoughts.

August Ruckdeschel: Thank you Assemblyman Englebright. I see Joseph Prokop has his hand up.

Joseph Prokop: Thank you. Thank you for allowing me to address the Board; and I have a couple of comments to make regarding the application of Pal-O-Mine Equestrian, on behalf of the Village of Islandia, which I represent regarding the property 867 Old Nichols Road in the Village of Islandia. The first thing is a clean-up matter. I mentioned in my letter to you today that there are three structures on the property, actually, there's only two structures. On a survey, which I think is of intended structures that the applicant submitted, it shows three structures. We're not aware of the third structure, unless there's something that we're not aware of yet, and that's a problem with the Village. I came to you two years ago, pleading with you not to accept this application and not to recommend it for approval. The property is not agricultural property. It is residential property that's been acquired for investment purposes only, and the neighborhood around this Pal-O-Mine has been eviscerated by the investments in these rental properties that you have permitted, that we have been forced to litigate now for four years. Successfully, I might add. After two years of litigation, that was commenced after my meeting with you two years ago, the Village was declared correct by Judge Lynch in Albany, and I accompanied my letter to you today with a copy of that decision in which Judge Lynch vacated the County and State's approval of certification of this property as an agricultural use, which it is not. I am very pleased that I heard my respected representatives, Legislator Hahn and Assemblyman Englebright, voicing what I've stood up and been saying almost alone, solely, for several years with the County, that your program is being used by some property owners improperly, to sidestep, to circumvent or avoid the zoning of communities that was in place and intended to protect the residents of those communities and the good order in those communities. And, what you have allowed, or what this application once again, threatened to allow in our Village, in Islandia, is as I said to eviscerate that zoning and cause further damage to the community and the neighboring parkland, which has all suffered due to your prior approvals. I hope that you do not rubber-stamp this application, as I have seen you do with other applications in the past that I have appeared on. I hope you give a thoughtful consideration to it and realize that this is again, not an agricultural use. The fact that somebody can buy an investment property, rent it out and make money on it, does not mean that it supports an agricultural use or protects farmland. It is neither farmland nor agricultural use. Thank you very much.

Robert Braun: Augie, you're muted.

August Ruckdeschel: I'm sorry. Thank you Mr. Prokop. I didn't realize I was muted. Next, I have Robert Vestigo.

Robert Vestigo: Thank you. I'm just going to go back to McGann's application at 338 Main Street and just review a

few notes I placed in the letter. Thank you for the opportunity to respond. We object to Mr. McGann's application. It abuses the spirit of intent associated with inclusion of agricultural lands into an agricultural district and potentially devalues as monetarily and esthetically, our homes in the area. In 2005, we purchased our Circa 1830's home at 334 Main Street, Setauket, which abuts this 338 property, and we've taken great pride in creating a property that provides a natural, secluded greenspace with a country feel, but now we watch as our property takes on an industrial aura. We never imagined this was possible in Setauket's picturesque, historic district, and this intrusion negatively affects our quality of life as well. In early 2020, the landowner cut down or removed most of the existing green growth on his small 1.1 acre plot. Then added a four-foot deep mixture of sand and dirt, leveling and compacting it into a hardened surface suitable for parking three 10 x 40 industrial containers and multiple vehicles. Any viable, tillable, fertile land that was possible to farm is covered with this fill. So instead of crops, the landowner created a parking lot to grow his industrial operation. Protecting existing viable farmlands from residential encroachments, particularly on the East End, is an important aspect to maintaining Suffolk County's esthetic values and beauty, but unfortunately, the applicant is working from an opposite perspective. He wants to take a small one-acre plot already containing two houses, and surrounded by private residences and set up an industrial farming operation of commercial tractor trailer containers. Property values in our historic district seem not to matter at all, but each morning since September 2020, we in this house, face an elevated ground surface bordered by a six-foot high stockade fence that leaves about 4 ½ feet of the 40-foot long stark white metal containers top exposed to us. This harsh view spans across our entire back yard. To us, the plot at 338 Main Street, Setauket, looks like an industrial truck stop, not a farm. Suffolk County's Agricultural and Farmland Protection bills were not established to encroach upon existing residential properties. They were meant to preserve the valuable, viable farmlands left in Suffolk County. There's a longstanding farming tradition that's still alive on Long Island, and those remaining plots, some smaller than the 7-acre requirement for ag designation, need protection, however, 338 Main Street, Setauket is an A-1 zoned property where the landowner has sadly covered over all existing soils. It is a plot not meant to be tilled or farmed. It is a property meant only to house industrial closed containers that grow produce, and while the landowner's application to include this property in an ag district obscures the legislation spirit, it absolutely harms homeowners in our area. We strongly urge the Board to deny his application. Thank you.

August Ruckdeschel: Thank you Mr. Vestigo. Looking for other hands to be raised. Okay, Herb Strobel, please go ahead.

Herb Strobel: Yes, good afternoon. My name is Herb Strobel. I'm a farmer in Center Moriches, also serve on the Brookhaven Town Agricultural Advisory Board. I'd just like to offer a few comments to the Board on the McGann parcel application before you this afternoon. I'll try to keep my comments brief. Earlier Assemblyman Englebright made a reference to the romance of farming. I guess I'd like to make reference to the reality of farming, zoning as well as agriculture. Also, several commenters made reference to breaking zoning regulations here in the Town of Brookhaven and in fact, I'd just like to set the record straight to a certain degree that in Brookhaven Town, in the A-Residence District, which I believe encompasses the McGann property, the A-Residence District does in fact, allow as-of-right agricultural production. In New York State Law agricultural production certainly does include the production of food crops. Whether that might be a environmentally controlled like a greenhouse or a container operation as Mr. McGann has up in East Setauket. I guess what I'm a little bit offended by here is the logic behind that in the A-Residence District that farming should not be allowed. Using that logic then, there should be no farming in Brookhaven because virtually all farms in Brookhaven Town are in fact in the A-Residence District and so that's to me is a troublesome precedence to make that logic and to make that argument. And so, those are some of the realities, I think. While I understand some of the perspectives that have been presented, I think some realities also need to be put on the table, as well. So, again, I thank you for the opportunity to speak this afternoon.

August Ruckdeschel: Thank you Herb. Yes, Tom Malz, please. Tom, you're still muted.

Tom Malz: I'm a rookie at this, sorry. Good Evening ... My family and I live in the East Setauket Historic District in an Residence A-1 zoned property, as does my neighbor at 338 Main Street for whom part of this meeting is about. We've resided here for 27 years and plan to retire here. We've invested great time and money in restoring our

property. We've been very surprised watching Mr. McGann slowly create the residential blight that is there today, as you can see in the pictures we provided. Assuming those have been distributed to you, the aerial view as well as the view from my lot over to the McGann lot. I think the aerial photo is probably the best to capture what's really going on there. I can appreciate the legislative intent to the farmland bill of rights. What Mr. McGann has done grossly violates it. He's taken a pastoral meadow and destroyed it by covering it with dozens of truckloads of miscellaneous fill and putting shipping containers on it. As you look at the before and after photos of this 1.2 acre parcel, I hope you're as stupefied as everyone else who's visited our property in person. Comments are you know, "why do it here?" "how does one self-declare to become a commercial farm?" There's no site plan, no notice to the community, no permits, no consideration of anyone. Residents that knowingly move next to existing farms or airports and complain about smells and noise, lose when they complain, as they should. Residents who get up one morning and say they're a commercial farm, yet they're in a residential district nowhere near an existing farm, have never been a farm, should lose to the zoning codes that say they can't do this in the first place. I believe the Committee has some other major issues to consider when deciding the fate of 338 Main Street and the surrounding community. Mr. McGann has an industrial hemp license for 338 Main St. I included an article about the smell, like dead skunks, as someone who lived next to this quotes, that hemp produces two months out of the year. The marijuana business is here. It's a great revenue source for the State and local governments. It's also supposed to be great revenue for struggling existing farms. The Constitution of the State of New York provides for Home Rule. The State of New York expects local governments to ensure that permits, grants and licenses the state's issues are legal by local standards. The New York Department of State told me it's on the locals to find fraud. Does anyone know if the grants, loans, and programs Mr. McGann has received, meet the legal requirement? Because he won't be the first. A lot of other people might see this as an opportunity to put a container next to their business, whether it be restaurant owners who want to grow their own produce. Maybe they want to do it at their home rather than near their business.

Lauren Allegue: ... three minutes

August Ruckdeschel: Mr. Motz, you're over three minutes, if you could wrap it up please sir?

Tom Malz: No problem. Mr. McGann has transformed our residential area into an elevated industrial zone. In an already crowded plot, McGann will be allowed to put more structures and containers. Mr. McGann has previously stated that he is unfettered by any oversight or regulation and can stack more containers one on top of the other due to his farming activities. I hope the Committee can restore our neighborhood by enforcing those zoning codes. Thank you.

August Ruckdeschel: Thank you. Okay, looking for more hands. Yes, Mr. George Hoffman, please go ahead.

George Hoffman: Good Evening everyone. My name is George Hoffman and I'm President of the Three Village Civic Association, which is one of the oldest civic associations in Suffolk County, and I'm speaking in opposition to the application of Mr. McGann for inclusion into the agricultural district. I'd like to just correct Mr. Strobel, Hank Strobel, when he indicated that most of the farms in Brookhaven are A-1. He's probably right, but this is a one acre parcel. I would imagine that most of the farms in Brookhaven are several acres at a minimum, and this is a shoe-horned acre in a historic district. I noticed when I was reviewing some of the ag district requirements, it talks about seven acres as sort of a sweet spot for farms. That if it was greater than seven acres and made \$10,000 a year, it would be a criteria. If it was less than seven acres, it had to be, I guess, earning more than \$50,000. I'm sorry, the staff report indicated that he didn't meet either of those criteria. Our position here is that this is really the wrong place to try to do an industrial growing processing use in a residential neighborhood. We think we have zoning classifications because it's to mitigate the impacts between people that own property. So, our Civic Association in the area of Setauket that I represent is opposed to this application and for all the reasons that were stated by other more speakers that have spoken before and we ask that you reject this application. Thank you.

August Ruckdeschel: Thank you Mr. Hoffman. All right, Bill Zalakar, please go ahead Bill.

Bill Zalakar: Good evening everyone. My name is Bill Zalakar. I am the current President of Long Island Farm Bureau. I've had the opportunity to see Mr. McGann's operation and listening to a lot of the comments and remarks from what everybody is making kind of has me a little bit questioned also. Agriculture is constantly changing, just as every other industry out there is changing. When you talk about romance in tradition. If I followed tradition, the potato farms have all changed, gone out of business. The duck farms have come and gone, and gone out of business. Agriculture, once again, is constantly changing. On the environmental side everybody says, well you know, we talk about agriculture with the use of pesticides and nitrogen and everything. This form of agriculture is changing all that and has become the most environmental friendly out of all aspects of agriculture. One of the final things that I'd like to say is basically, in the change of agriculture from traditional agriculture, there is a very big movement in change throughout the entire U.S. to urban agriculture. This is a valid form and practice of agriculture that's accepted everywhere in the Country. It is something completely new. I agree with everybody, and we do have to look at a lot of the different aspects of it. New York City is growing continually with Urban Ag., Chicago, San Diego. I'm on the Board with Urban Ag involvement with the USDA. The Federal Government has even stepped in in trying to work and grow this new form of agriculture. It is different. We all know that, but the bottom line is, and I have seen this over the last two years, urban agriculture is here to stay, and I think the main thing is that we all have to work together on this and accept the different aspects and try to make things work for everybody. Like I said, it's not going to go anywhere. It is here to stay, so that's my feeling on that. Thank you.

August Ruckdeschel: Thank you Mr. Zalakar. I'm looking around for hands. Okay, Ryan, you're up.

Ryan McGann: Hi everyone. I just wanted to provide some comment nice and briefly.

August Ruckdeschel: Ryan if you could give your full name please.

Ryan McGann: Oh, Ryan McGann, founder of HydrOrganic Farms. So yes, Long Island has had a long agricultural background for the past hundred years. Our vertical farm project is designed to support and supplement the existing, incredible agricultural production Long Island has. We're a young, woman-owned company, my wife's on the line also, with a passion for agriculture, technology in the local community. My wife did grow up on a farm as well. These are brand new, specially built hydroponic farms. Our farms are extremely environmentally friendly using 90% less water per crop, powered by sustainable sources, thanks to the Recharge New York Program. On our one-acre property we are able to cultivate the equivalent of four to six acres of traditional farmlands, producing 144,000 heads of lettuce and a 1,000 pounds of herbs, such as basil, annually at a consistent rate. Vertical farming is the next evolution of agriculture. We're glad to bring these benefits to the Long Island Community. We currently serve six to seven restaurants in the local Setauket and Port Jefferson area, and 15 restaurants growing with a back order to bring on new customers because of the hydro bans. Our property is mid-swing in construction. It will be a beautiful site with a new post and beam barn matching historical barns in the area. We didn't elevate the property, but we filled in a small valley just to level it, and the crushed rock put down is a base layer for our plans to complete a paver stone driveway to access the rear. I appreciate all the feedback. I'm here and listening, ready to address and clarify any of these concerns and misrepresentations I am presented with, so I can better serve the community we also live in. So, I just want to say thank you again for everyone with those comments and um, I'm here for any questions when my case comes up.

August Ruckdeschel: Thank you Mr. McGann. Okay, any other, okay, I see Katherine Griffiths. Please go ahead Katherine.

Katherine Griffiths: Hi, my name is Katherine Griffiths. I'm the Director at Avalon Nature Preserve. I just wanted to make a comment on the application for Thatch Meadow Farm. Just to say that we have been supportive of Conky and her effort to bring and restore farming activities back to her historic property in Head of the Harbor, New York. And we have been helping her down there initiating the agricultural activities. We did that through 2020 and we will continue to do so through 2021. So, just wanted to put a voice of support in for that application.

August Ruckdeschel: Thank you Katherine. Okay, any other hands?

Sarah Lansdale: Augie, I see a hand raised.

August Ruckdeschel: Constance. Yes, please go ahead Constance. We can't hear you Constance. We see you're trying to talk, but unfortunately, we can't hear anything. Okay, yeah, call in. That's fine. I have another comment I could read and there may be other people with their hands up. I'll come back to Constance. I don't see any other hands. Sarah, do you see any other hands. Yes, Lee Snead, please, go ahead.

Lee Snead, Esq.: I'm sorry, I didn't have a hand function. I'm here on behalf of Pal-O-Mine Equestrian to seek inclusion in District No 3 for 867 Old Nichols Road. This is a piece of property that the AFPB deliberated on a couple of years ago and approved, and unfortunately for procedural reasons dealing with SEQRA compliance, the Albany Supreme Court annulled that decision. So, we're back here again going through the process and I hope you give good consideration to it. I want to clarify a couple of issues. First is, we are not renting out anything on this property to anyone. There are three structures on this property, all of which are residential, and we currently, are occupying two of them as residences for people who work at the farm. One of them is our CEO and Director, and the other is a Manager of the farm. I'm a little bit surprised that the Village Attorney suggested that there are only two structures on the farm. It really doesn't matter, because even if one structure were there and it was being used as a residence for somebody at the farm, that would qualify as agriculture. But I think if Mr. Prokop decides to go back to the site today, he'll find three structures there, which have always been there, and which can be seen in our application. Unless space aliens have come down and vaporized one of the structures, I'm sure he'll see them. That said, what's going on with the property is it's adjunct to our main facility, which is right next door at 829 Old Nichols Road, and it's been used since we've owned it in support of that organization, that operation at 829 Old Nichols Road. So, I hope you can give favorable consideration in regard to the matter as reflected in our application and if there are any questions at the time when my application comes up, I'd be happy to address them. Thank you.

August Ruckdeschel: Thank you Mr. Snead. Let's try Constance again. We still can't hear anything Constance.

Sarah Lansdale: Augie, this is Sarah. I just have a quick question. When we're done with Public Portion, I believe that I saw Legislator Krupski's hand raised. So, when we're ending Public Portion, I think Leg. Krupski has a question.

Robert Braun: Excuse me for interrupting as well, but I believe Ms. Nostrand is muted. So if she can be unmuted, maybe we'll hear her.

August Ruckdeschel: No, I don't have her muted Bob. Constance did you try calling in through the phone? Okay, she's going to write something. Unfortunately, I can't read that. Oh, the phone number. Andrew or Lauren, do you have the phone number for her to dial in? We'll get you that Constance. While we're waiting, um?

Sarah Lansdale: Augie, I can share that. Augie, would you like the number?

August Ruckdeschel: Who is that?

Assemblyman Englebright: This is Assembly Member Englebright. I wonder if I can offer comments on this application?

August Ruckdeschel: We're not at any applications at this point. We're still in the Public comment Portion, Assemblyman.

Assemblyman Englebright: It's within that context. I'd just like to offer my thoughts on the Thatch Meadow Farm, the matter before you.

August Ruckdeschel: Okay.

Assemblyman Englebright: Thank you. I just want to speak in support of the Thatch Meadow Farm. I know of the heroic efforts over many years. I've known Constance Nostrand for more than twenty years, and she has a great respect for the farm tradition. That's a farm that goes back to pre-revolutionary times, has been one of the longest continuing farming operations in coastal New York, and I am heartened to hear that the farm is a continuing interest and I want to speak in support of the application before you. Thank you.

August Ruckdeschel: Thank you. Sarah, do you want to read the number.

Sarah Lansdale: Yup, I can read the number. It is Area Code 9294362866. The meeting ID# is 85979050512

August Ruckdeschel: Okay. She's calling in. Hopefully, we'll give her a minute to call in. Anyone else? I'm going to put someone on the spot. I see David Wilcox joined us from the Town of Southampton. The Town submitted comments on an application that came after the meeting began. So David, would you be willing to read your statement in to the record, or would you like me to do so?

Constance Nostrand: I'm on now.

August Ruckdeschel: Okay, thank you Constance. Let's let David, can you go and then we'll go to Constance.

Constance Nostrand: All right, thank you.

August Ruckdeschel: You're muted David. David, we can't hear you. Forget it, all right, Constance you're up.

Constance Nostrand: It's my very first Zoom meeting I just want you to know, so bear with me.

August Ruckdeschel: No problem. We can hear you great.

Constance Nostrand: My grandmother bought the fifty-acre Thatch Meadow Farm in 1950 for \$50,000. She died in 1979. I inherited the farm with my two sisters. Recently, I lost both my sisters and became sole owner. I'm a retired Day Care Giver. I live on a fixed income. My goal in life has always been to save the farm. With the sisters gone, I have access to all the property and have been rejuvenating the farming industry. We now have egg-laying chickens, as well as pasture raised broiler hens, honey, cut flowers, garlic and are starting up ... medicinal mushrooms. I'm not sure how any person on a fixed income can compete with rising taxes, but Thatch Meadow Farm has been farming since the 1700's and I thought it was already in the Agricultural District. Currently, Thatch Meadow Farm taxes are \$90,000 a year for approximately 20 acres. I believe the District gives me a chance to lower my taxes, then money would go back into the farm. My dream is to leave the farm to Avalon and for it to be preserved forever. Please consider my application for acceptance into this Agricultural District. Thank you very much.

August Ruckdeschel: Thank you Ms. Nostrand. We powered through, we got there. I appreciate it.

Constance Nostrand: It was my very first meeting.

August Ruckdeschel: No problem.

Constance Nostrand: Thank you.

August Ruckdeschel: David I was putting you on the spot. Would you be willing to read your letter into the record for us please?

David Wilcox: Yeah, that's not a problem actually. I started earlier and I didn't realize I was muted, so this letter was addressed to Sarah Lansdale, Director of Suffolk County Planning. It's dated today, April 22nd regarding the inclusion of the following properties into the Suffolk County Agricultural District. The properties located at 149 Old Country Road, Speonk and consists of the following three tax parcels: Block 353, I'm sorry, Section 353, Block 37.1, 37.2, and 37.3.

"Dear Director Lansdale, The Town has received notification of your consideration to include the above-referenced properties in the Suffolk County Agricultural District. While the Town is not opposed to the conversion of this property into an agricultural use, we are concerned that clear-cutting and development of the property be done in accordance with proper reviews and approvals. The Town would like to offer the following comments for your consideration:

1. *The subject site has never been used for commercial agriculture production and is currently mature oak woodland with several houses. And apparently, those houses, from what code-enforcement has told me, are being rented without proper permits and had extensive construction work done on them without permits.*

2. *Clearing of the property commenced without any review or approval from the Town pursuant to a storm water pollution prevention plan or the SWPPP, and a stop-work order was issued by Code Enforcement. That stop-work order is still in effect, to my knowledge, and I'm not sure whether they have been given a court appearance yet or not. The Town is concerned about run-off and groundwater contamination to the nearby headwaters of the Speonk River.*

3. *The property does not benefit from the right to farm protections contained in Southampton Code Article 1 Section 161-3 because the proposed agricultural use does not precede the residential development of the neighboring properties. Under our Code, the agricultural operation has to have been in existence prior to residential development in order for the residences to claim any sort of a nuisance.*

4. *The whole action into the proposed intended agricultural operation may include greenhouses or other structures, clearing of land and disturbance in excess 10 acres and destruction of habitat related to the northern long-eared bat. We've been advised by the DEC that there is a window of opportunity when the property can be cleared in order to mitigate any impacts on the long-eared bat habitat. I'm not sure what the window is?*

All of these should cause this proposal to be considered as a Type I Action under SEQRA. Segment of the development of the operation into smaller parts would usurp our review and ability to protect the natural resources as provided in Chapter 229 as well as public health, safety and welfare accordingly, is not permitted under SEQRA segmentation is not permitted under SEQRA." And, and that's the extent of our letter.

August Ruckdeschel: Thank you David. Okay, any other comments? I'm not seeing any, so going once, going twice, okay, final. So, I think, Chair, if you'd like to make a motion to close the Public Portion.

Ken Schmitt: Yeah, so I'll entertain a motion to close the Public Portion of the meeting?

Leg. Al Krupski: So Moved.

Sarah Lansdale: Make a motion.

Ken Schmitt: Motion made by Al Krupski. Seconded by? Is there a second?

Sarah Lansdale: Sarah Lansdale

Ken Schmitt: Motion by Al Krupski, second by Sarah Lansdale. Motion?

(*Roll Call by Lauren Allegue, Planning Aide*)

Rob Carpenter: Yes

Leg, Al Krupski: Motioned

Sarah Lansdale: Seconded

Nora Catlin: Yes

Dennis Brown: Yes

Laurie McBride: Yes

Ken Schmitt: Yes

Karen Rivara: Yes

Lauren Allegue: We don't have Lee Foster still, right?

Lee Foster: Yes we do. Yes.

Lauren Allegue: Oh good. Okay great. Thank you.

Frank Beyrodt: Yes

Lauren Allegue: Okay, that's 10.

Ken Schmitt: Alright, motion passed. All right, the next segment of the meeting is for the Protection Board only. The public is welcome to listen in on it. First order of business is the parcels that were in the 2020 Applications, an update on those. Can Augie or Andrew or somebody give an update on the status, what happened by the Legislature and also by Ag & Markets?

August Ruckdeschel: Sure. So, I'm just gonna do a brief overview of Ag Districts in general, I because we have a large audience and some new members of the Board. But, I also see, Sarah mentioned that Legislator Krupski wanted to make a comment and we can certainly do that out of the Public Portion comments, so please Legislator Krupski?

Leg. Al Krupski: Thank you Augie, and if I could, through Chairman Schmitt, ask Augie or Director Lansdale just to give an overview as you're doing, not only of the Ag Districts but also an outline, a brief outline of the process that was started a month ago - taking in applications and going all the way through to Ag & Markets, so people will have an idea of the process itself and also the criteria that we use for making the determination in the general, because I've heard a lot of words like romance, and I was kind of interested in that, but no one spoke about food securities. So I just wonder how, you know, if you could outline that, cause a lot of people commented both in favor and against different applications, but the role of the Board here is limited to what we're limited to and I think, if people understood that role, it would be helpful.

August Ruckdeschel: Sure, so that's exactly what I was going to do now, so I'm glad you asked. So this is a nice FAQ we like to rely on, on our own website. This is from New York Ag & Markets, so really, the authority on the AG District Program.

You know, first, *What is an Agricultural District?*

An agricultural district is a geographic area which consists of a predominantly viable agricultural lands. Agricultural

operations within the district are the priority land use and protections to promote the continuance of farming and the preservation of agricultural lands. In practice, districts may include land that is actively farmed, idle, forested, as well as residential and commercial properties.

What are the benefits of being in an Ag District?

Being in an Ag District means that the operation is protected from unreasonably restrictive local regulations, unless those regulations from the town, from the county, from whoever they are, can be shown to be preserving public health or public safety. So the department, in this case, the department is New York Agriculture and Market evaluates the reasonableness of a specific requirement or process imposed on a farm operation on a case by case basis. And generally, it's a reactive decision, not a proactive, so usually the normal process is that an operation may ask for a permit to do something. They may be told by the town or some other regulatory authority they cannot. They would need to appeal that decision to initiate a review by NY Ag & Markets as to the appropriateness and reasonableness of those restrictions, of those standards. So, it does not entirely usurp local zoning and local laws. There's perfectly fine and reasonable regulations that can be amenable to apply to farms that are in agricultural districts, but the operation can appeal unreasonable ones.

So this is the Section of NYS Law that refers to Agricultural Districts – Section 303 through 309. Again, 305A Local Governments shall not unreasonably restrict or regulate farm operations in contravention of the purpose of this article.

Examples of undue restriction by Local Governments may include, but are not be limited to:

- Unduly restricting or regulating ordinary farm practices
- Unduly restricting farmworker housing
- Prohibition on livestock
- Prohibition on greenhouses
- Prohibition of subdivision of Agricultural lands

Section 303-B:

So, this speaks a little bit to the process. This again is from Ag & Markets Law. The legislative body of any county, so our Suffolk County Legislature designates an annual thirty-day when the county can receive applications for Ag District status. So, that's March in Suffolk County and we just wrapped up that application window, and then from there, upon termination of that thirty-day period, we refer those requests to this Agricultural and Farmland Protection Board. They have thirty days to report back to us, to the county legislative body, its recommendations as to whether the land to be included in the agricultural district consists predominantly of "viable agricultural land" as defined in subdivision seven of Section 301 of this article. So, this is the first step in the process. It does need to go to the Suffolk County Legislature for approval of the Ag District enrollment as well.

Section 301: This is that reference to Section 301, Definitions:

7. "Viable agricultural land" means land highly suitable for a farm operation as defined in this section.

That is not everything they say about it, but it's the majority of what they say about it. But, importantly, through the years, and preceding my position, my current position, we've received guidance from New York State Ag & Markets on multiple occasions about, I don't know who did that, I don't know who was doing that? I'm going to stop. I'm not sure who is writing on my screen. Okay, I'm not going to read this whole letter out loud, but I want to read the relevant parts in regards to agricultural viability. So, the last paragraph, the beginning of the last paragraph on the first page:

Under AML 303-B, the law states that land added to an agricultural district by the county legislature must consist of predominantly viable agricultural lands, I don't know why this keeps happening. Is this appearing on everyone else's screen?

Robert Braun: Yes, yes it is. I think somebody must be sharing their screen as well.

August Ruckdeschel: Okay. Okay, I'm just going to read it. I apologize. I'm not sure what's going on there. Oh, no.

Zoom bombing disruption at approximately 6:32 PM

Robert Braun: Augie, do you have the Host controls with you? If you do, you should not allow any screen sharing from anybody.

Sarah Lansdale: Bob, I took care of that already. Thanks.

Ken Schmitt: Thank you Sarah.

Lee Foster: That's the problem with Zoom meetings.

Sarah Lansdale: Augie, you could share your screen.

August Ruckdeschel: I can? Okay.

Sarah Lansdale: Only Hosts now can share screens.

August Ruckdeschel: So, I apologize everyone. That is an unfortunate, uh, it happens from time to time, sadly, but we'll give people a few minutes to come back in and then, we'll get started again. I guess I should have figured something was up when someone kept writing all over my screen. And Lauren, when we get started, if you can do roll call again.

Ken Schmitt: Yes

Leg. Al Krupski: Are we going to do roll call?

August Ruckdeschel: Yeah, Lauren can you do roll call?

Robert Braun: Before we do, let me request that each of the people in the meeting go in the upper right hand corner of your own box and change, it'll say "Rename", and please rename, each of you, your box as your own first and last name.

August Ruckdeschel: Yes, please.

Leg. Al Krupski: I don't see how to do that. All I have is mute up there, Bob.

August Ruckdeschel: Leg. Krupski, we have your name showing up already. You're in the clear.

Robert Braun: You have three dots in the corner. If you click on the three dots you will, you can change the name as it appears in the screen.

Ken Schmitt: Three dots?

Leg. Al Krupski: I'm not seeing it, Bob.

Ken Schmitt: Nope.

August Ruckdeschel: Lauren, are you unmuted Lauren? Can you do roll call please?

Lauren Allegue: Sure, for attendance.

(Roll Call by Lauren Allegue, Planning Aide)

Rob Carpenter: No response.

Lauren Allegue: I'm just wondering if other people also won't be able to unmute themselves?

August Ruckdeschel: I see Rob is muted, so just come back to him.

Lauren Allegue: Okay.

Leg. Al Krupski: Here

Sarah Lansdale: Here

Nora Catlin: No response.

August Ruckdeschel: Nora's muted.

Lauren Allegue: Okay, I'll come back. Okay.

Dennis Brown: No response.

Lauren Allegue: Is he back?

Robert Braun: Sarah, did you mute everybody?

Sarah Lansdale: No I didn't.

Nora Catlin: Hi, this is Nora. I wasn't able to unmute myself, but now I can unmute myself. I'm going to guess that a lot of other people were having the same situation. I'm here.

Lauren Allegue: Thank you. And Dennis Brown? Not back yet maybe. Okay.

August Ruckdeschel: It looks, Sarah is you could text him maybe?

Sarah Lansdale: I'll do that.

Laurie McBride: No response

Lauren Allegue: Oh, I see her. Okay, I see you. Just muted.

Ken Schmitt: Here

Lauren Allegue: Okay, thank you.

Karen Rivara: No response.

Lauren Allegue: All right. I don't see her back yet.

Lee Foster: Here

Lauren Allegue: Thank you.

Frank Beyrodt: No response.

Lauren Allegue: No, not back yet. Okay. All right, I think I have seven.

August Ruckdeschel: Okay, we'll just add, before we, I see Laurie McBride raised her hand, so I guess she's here.

Lauren Allegue: I got her.

August Ruckdeschel: Okay, and we just unmuted her.

Robert Braun: Frank Beyrodt seems to be here too. On my screen, he's on the lower left.

Rob Carpenter: And Rob is here as well.

Lauren Allegue: Okay, great.

August Ruckdeschel: So, I think we're just missing Karen.

Lauren Allegue: And Dennis, did we see Dennis?

August Ruckdeschel: And Dennis. Up, Dennis is coming back in now.

Lauren Allegue: Okay.

Leg. Al Krupski: Bob, I'm sorry, I've got to ask. This is Legislator Krupski. Bob Braun, I've got to ask you a question. For the purpose of Open Meetings Law, do we have to be on the screen to be technically in the meeting?

Robert Braun: No.

Leg. Al Krupski: Okay, thank you. Just want to make sure.

August Ruckdeschel: Dennis Brown, we just did roll call. If you could just confirm you're here. It looks like you are.

Dennis Brown: Yes, I'm here.

Lauren Allegue: Okay, great.

August Ruckdeschel: Thank you Dennis.

Lauren Allegue: We have everybody back.

Ken Schmitt: All right.

August Ruckdeschel: Sorry about that everyone. Let's see if I could power through this. Okay, I was here, yes, Under AML 303b... you're recording, right Sarah. I'm sorry.

Sarah Lansdale: Yes

August Ruckdeschel: Okay, under 303b, states that land added to an agricultural district by the County Legislature must consist of predominantly viable agricultural land. Viable agricultural land is defined in AML 301.7, as land highly suitable for farm operation as defined in this section. I've attached a complete definition of farm operation and all the definitions contained therein. As you can see, there are no acreage or gross sales requirements, except for horse boarding and equine operations. Furthermore, the definition of farm operation is not linked in any way to the agricultural assessment eligibility criteria contained in AML 301, Subsection 4. In an additional letter they sent us two years later, they gave us a more explicit definition of viable agricultural land. Again, the same exact bottom left section. Under AML 301, Subsection 7, viable agricultural land is broadly defined as land highly suitable for a farm operation as defined in 301, Subsection 11- Therefore, land need not be actively farmed to be considered for inclusion in an agricultural district. The term "farm operation" is broadly defined to include land and on farm buildings, equipment, manure processing and handling facilities, and practices which contribute to the production, preparation and marketing of crops, livestock and livestock products as a commercial enterprise, commercial horse boarding operations, timber operations, compost, mulch or other biomass crops, and commercial equine operations are also included. A farm operation may consist of one or more parcels of own or rented lands. In such, parcels may be contiguous or not contiguous to each other. The statutory definition of a farm operation does not require minimum acreage and income thresholds for most operations. Many viable farm operations are conducted on limited acreage, e.g.: greenhouses, poultry and aquaculture, as well as on marginal lands, e.g. farm deer on steep slopes and non-prime soils, much of the land that a county could therefore, be considered highly suitable for a farm operation. Farm operations are much more than their land base, however, they rely on their owners and operators including the ideas, skills, and investments they bring to become and remain viable. So that is kind of the overview of what Ag & Markets has instructed the County specifically, is how to consider the viability of agriculture on a specific site. So, from there, I'm going to turn it over to Andrew to give an update on the enrollment status of 2020. Andrew are you with us?

Andrew Amakawa: Yeah, I'm with you. Sorry, I was unable to unmute for a second. I'm going to share my screen. Just bear with me a minute. Okay, can everybody see the screen.

August Ruckdeschel: Yup.

Andrew Amakawa: Okay, for the 2020 Agricultural Districts Enrollment, I'm just going to give you an overview of what was recommended. So, last year 57 parcels, totaling 17,051.4 acres approximately were recommended for inclusion and ultimately certified by New York State Department of Agriculture & Markets. They were located in the Towns of Brookhaven, Huntington, Islip, Riverhead, Southampton, Southold, the Village of Islandia, as well as the Village of Sagaponack.

August Ruckdeschel: And if you're wondering why that number is so massive, it is because it includes thousands of underwater acreage in the Town of Islip for their Bay Bottom Aquaculture Lease Program.

Ken Schmitt: Brookhaven, Augie.

August Ruckdeschel: Brookhaven was two years ago. Islip was last year.

Ken Schmitt: Oh, okay, I'm sorry.

August Ruckdeschel: No problem.

Andrew Amakawa: As for this year's 2021 Agricultural Districts Enrollment review, 14 applications were received. I'm just noting that there was one application in addition, that was withdrawn, so total of 14 moving forward in the review, totaling 36 parcels, including approximately 459 acres. And that's the summary for 2020, as well as the current 2021 enrollment review.

August Ruckdeschel: Great. If you could hand it back to me.

Just noting, sorry I didn't see this slide. I'm just noting the locations of these proposed parcels: Town of Brookhaven, Town of Huntington, Town of Riverhead, Town of Southampton, Town of Southold, Town of Shelter Island, Village of Head of the Harbor, Village of Islandia, and Village of Sagaponack.

Ken Schmitt: Any questions of Andrew at this time? If not, we'll move into this year's applications for inclusion.

August Ruckdeschel: Great, let's do it. Okay, so I'm going to start us off. I will give an overview from the Staff Report, essentially, an overview of their application. I have other maps as back-ups for all these applications. If any of the Board Members have questions, I see some of the applicants are here, they may ask the applicant questions if they so choose, or they may make a motion to approve or not approve. That's at the discretion of the Board, but I'll let you know when I kind of wrap up.

Our first application is the **Pombo Family Holding Company, LLC**, also the farm name is the Mediavilla Orchard. It's in the Town of Huntington, the hamlet of Elwood. It's 20.7 acres. The enterprise type is food crops. It is an existing operation. It's been in operation for more than five years. The proposal does involve an active commercial ag operation. There are at least seven acres and there's at least \$10,000 in annual gross sales. Seven of the 21 acres are in agricultural production, so one of our questions is at least 50% of the farm is in ag production and this is a third. Another question, does 50% of the included land include prime ag soils and/or soils of statewide significance? Yes, for this parcel, 80% of them are classified as prime soils. Have the farmland development rights been purchased on the property? No, they have not. Their capital improvements over the last five years are below \$10,000. Again, it's a food crop operation. There's a barn and a garage onsite for storage of agricultural equipment, and a farm stand as well.

Ken Schmitt: All right, are there any questions? If no questions, I'd entertain a motion to approve this parcel?

August Ruckdeschel: Motion was made by Ken Schmitt. Just remember to say your name please.

Ken Schmitt: I was asking for a motion.

August Ruckdeschel: Oh, okay, sorry.

Ken Schmitt: As Chair, I don't like to make a motion.

August Ruckdeschel: No problem. Laurie, I see your hand is raised. Are you muted? Laurie McBride.

Laurie McBride: I was going to say, we're all muted. So, we hit unmute and we're still muted, just to let you know for the questions. I don't have a question.

August Ruckdeschel: Okay. Sarah, if you could help me with that. Sarah?

Sarah Lansdale: Yeah, I'll work on that.

Leg. Al Krupski: I have a question. This is Legislator Krupski. I have a question while you're working on it. I just got myself unmuted.

August Ruckdeschel: Sure.

Ken Schmitt: Go ahead, Al.

Leg. Al Krupski: All right, thanks. I'm looking at the map that was provided by the staff and I have to first compliment everyone in Economic Development and Planning who worked on this, because the maps were I thought they were very comprehensive and the information that we received as a Board to review beforehand, very comprehensive and well done. I want to thank the staff for that, everyone involved. So, it's just that the scale is a little hard to read. There's one parcel on what I would call up west. The one that's up for inclusion, and the other two that have been outlined, they are already in an Ag District? I'm sorry, are they the same ownership, same operation?

Ken Schmitt: Yes, the two parcels that are side by side are the same ownership. I believe the stuff on the south side of Route 25 is different ownership.

August Ruckdeschel: That's correct.

Ken Schmitt: It just shows the neighboring parcels that are within a district.

Rob Carpenter: Are you still looking for a motion on this?

Ken Schmitt: I was looking for a motion and a second.

Rob Carpenter: Okay, I'm familiar with this property and I know they are in very active ag production. I'll make the motion to recommend it for inclusion.

Ken Schmitt: A second to that?

Rob Carpenter: Rob Carpenter

Ken Schmitt: You made the motion, right? Looking for a second?

Lee Foster: I'll second.

Ken Schmitt: Second by Sarah.

Lee Foster: No, by Lee.

Ken Schmitt: Lee. I'm sorry, I'm sorry. Any other discussion? If not, we'll call for a vote.

Lauren Allegue: Okay.

(Roll Call by Lauren Allegue, Planning Aide)

Rob Carpenter: Motioned

Leg. Al Krupski: Yes

Sarah Lansdale: Yes

Nora Catlin: Yes

Dennis Brown: Yes

Laurie McBride: Yes

Ken Schmitt: Yes

Karen Rivara: Yes

Lee Foster: Seconded

Frank Beyrodt: Yes

Lauren Allegue: Okay, that's ten.

Ken Schmitt: Motion passed.

August Ruckdeschel: Lauren, you're up.

Lauren Allegue: Okay, so this is Lenny Bruno Farms. It is located in Brookhaven, in Manorville. The four parcels total 87 acres and it has been in agricultural operation for greater than five years. It has obviously over seven acres and it has at least \$10,000 in annual gross sales. They put greater than \$50,000, and at least 50% of the farmland is in agricultural production and more than 50% has prime soils, 52% has prime soils, and the development rights have not been sold. And the only two structures, there at the top and it's a farm stand and a Morton building. Any questions?

Lee Foster: I'll make the motion.

Leg. Al Krupski: I'll second.

Ken Schmitt: That's a motion made and seconded. Any other discussion?

Robert Braun: Can I ask when you make a motion or you second someone else's motion, that you announce your own name please?

Lee Foster: I'm sorry, I made the motion, Lee.

Al Krupski: Krupski, second, second by Krupski.

Lauren Allegue: Thank you.

Ken Schmitt: Any further discussion? If not, call for a vote?

(Roll Call by Lauren Allegue, Planning Aide)

Rob Carpenter: Yes

Leg. Al Krupski: Seconded

Sarah Lansdale: Yes

Nora Catlin: Yes

Dennis Brown: Yes

Laurie McBride: Yes

Ken Schmitt: Yes

Karen Rivara: Yes

Lee Foster: Motioned

Frank Beyrodt: Yes

Lauren Allegue: Okay, that's ten.

Ken Schmitt: Motion passed.

August Ruckdeschel: Okay, next is the application from Ryan McGann. This is HydrOrganic Farms. It's located in the Town of Brookhaven, Hamlet of East Setauket. It is 1.1 acres, enterprise type is food crops and horticulture. It is an existing operation for less than one year. It is in active, commercial agricultural production. It does not involve any horse or equine operations. Let's see. Is at least 50% of the farmland in agricultural production? No, it is not. Does 50% of the included land include prime soils or soils with statewide significance? No, they do not. Have the development rights been purchased by a municipality or not-for-profit? No, they have not. The capital improvements in the last five years been greater than \$50,000? It is a food crop and horticultural operation. There's a farmer dwelling on site. There's a rental cottage on the property. There's a storage shed that is 8 x12, and then, there is also, a proposed barn that would be 24 x 36 on the property, and I have that site plan up there as well. And, the applicant is here, if the Board has any questions for the applicant.

Ken Schmitt: Are there any questions, discussion?

Leg. Al Krupski: Leg. Krupski has a question. So, there was a lot of comment about this application, and I wonder if we could have some discussion on some of that public comment? I'm not familiar with the area, nor am I familiar with the applicant or his operation, so, there was a lot mentioned about historic use here. I'm looking at the aerial and there's a lot going on there. Not only on the parcel, but on the surrounding parcels. So, I was wondering about what is the historic use designation? Is it a, I know it's not a County designation. Is it a State or is it a Town, or is it a Village or other municipality designation? Does it have any kind of effect on Ag & Markets Law?

Ken Schmitt: The parcel, comments made that it was visible from the street, it's very, I'll call it invisible when you're riding down 25A. It is definitely in ag production. We do have some criteria that we as a Committee consider, but Ag & Markets Law is quite, as Augie had read, it does say viable farmland, but it doesn't, viable farmland doesn't have to mean productive, fertile land, because you can put a greenhouse, if you're not growing in the soil, that's not a big condition. Is the land able to be used? It is being used, it is demonstrated as that. The historic district, I don't know. I know there are a number of historical districts, whether it be Town of Huntington, in the Hamlet of Melville, and another one in Yaphank, on Main Street in Yaphank, is Brookhaven Town, and I don't know in the historical district regulations, that I don't think it addresses agriculture, so that's something that we as a Committee, you know, I don't know if we can take that into consideration.

Leg. Al Krupski: Yeah, that was... sorry Ken.

Ken Schmitt: Go ahead.

Leg. Al Krupski: No, that was my question. You think in Suffolk County where the seal of the County is a bull and the seal of the Legislature is a plow, that if it was in a historical district, they would in fact, being recognized agriculture as being historic in our County. That's why I was unsure if there was any, anything there that we should be, you know, that we should use in our, in what we are going to conduct tonight.

Ken Schmitt: You know, I would say that most historical districts are architectural in a sense, color of the house, things like that there, type of structures. I may be wrong, but I don't think historical districts, that they don't allow agriculture conducted. The public comments, some were quite strong. A couple, one of the comments felt quite threatening to the ag community. I don't know if we should, that's up to each of us individually, if we want to feel threatened by any comments about how it's going to affect agriculture on a State level or whatever or however, so that's up to each one of us to make our own decision on that. But, had visited this here with members of the Brookhaven Advisory Board, and it is definitely in production. It is the new form of agriculture as Herb Strobel had stated in his comments. Bill Zalakar talked about USDA is allocating a fund strictly for promotion of Urban Agriculture, which this falls under, but that's in the inner cities and even in, I don't know what we are, we're not urban, I guess we're called suburban agriculture, in this setting, but that's all I can say about that.

Leg. Al Krupski: Thank you. I think I'm done with all my questions for now, and I think you're right that we shouldn't be bullied into making a decision either way. Thank you.

Ken Schmitt: Any other questions?

Dennis Brown: Hi Ken, Dennis Brown, I raised my hand.

Ken Schmitt: Yeah, Dennis, go ahead.

Dennis Brown: Okay, so first, with respect to Legislator Krupski's question about the historical issue, I just want to make it clear, at least clear to me, that our vote is really just a recommendation to the Legislature.

Ken Schmitt: Yes, correct, that's, correct.

Dennis Brown: So, that if the issue of historical district does present some type of legal impediment to be accepted into a district, there's plenty of opportunity for that to be briefed before the Legislature.

Leg. Al Krupski: Thank you Dennis:

Dennis Brown: And then the next question, Augie, I just want to make certain, I know, I read the letter and I heard you say it, but the parameters with respect to percentages of land use and income, they're not really applicable to whether or not something should be accepted into a district, except for with respect to equine operations.

August Ruckdeschel: Yeah, the acreage, they were pretty clear in the letter. The acreage and revenue limitations for only eligibility criteria for equine operation. They did not apply to other operations.

Dennis Brown: Okay, great. Thank you Augie, you answered my questions.

Ken Schmitt: No other comments?

August Ruckdeschel: There were a couple of hands raised. Karen Rivara? Karen, you'd like..

Karen Rivara: Yeah, so I just have one question. I believe that the owner stated that they were going to be building a barn. Is it reasonable to also assume that what's housed in the trailers right now would be moved to the barn or I'm just curious, is that in addition to?

Ken Schmitt: That would be a support barn, I believe.

August Ruckdeschel: I could partially answer that. We could also unmute the applicant if you want, but the growing is always going to occur in the trailers. The trailers were built and designed and installed specifically for this vertical, indoor, hydroponic operation, so I don't think the trailers would be intended to be moved into the barn. I don't believe that's the intention behind it, um, if you'd like you could ask Ryan directly?

Ken Schmitt: Augie, in reality the units are 40-48 feet long and they would not fit in a barn.

August Ruckdeschel: They're too big.

Ken Schmitt: The units, for point of information, the units are about 100, I think close to \$150,000 per unit, and they're made to be outside.

Karen Rivara: Okay, it just wasn't clear from the previous comments, so I just wanted to understand that. Thank you.

August Ruckdeschel: And, I see Rob has his hand up.

Rob Carpenter: Sure. I actually have a couple of questions for the applicant if the Chair will allow him to speak?

Ken Schmitt: All right, in the essence of time, we'll keep it short, but...

Rob Carpenter: I will be brief.

Ken Schmitt: Okay.

Rob Carpenter: My two questions are: I heard you in your public comment say that all of this is still basically, in development on your property, meaning that you're still trying to organize and get things finished to your liking. Will there be any kind of buffers for the neighbors, such as, particularly, green screening of arborvitae's or something to deal with the site views on the property? And, then my second question has to do, it was also mentioned with your license with the State regarding the hemp and the cannabis. Could you just touch on it a little bit and explain what's going on with that?

Ryan McGann: Sure, no problem. So, the investments that we're making right now are recycled back into growing operations and improving our yields, and we don't have any plans right now to invest in screening. And, we got the hemp application, we applied for the hemp because we are curious. You know, right now we are maxed out in production and it really would be difficult to carve out space to try it. You know, hemp grows six feet tall, it's huge plants, but this, we applied for it under research. You know, so I am curious to see if it would work. If it did work, we definitely wouldn't do it here. We'd probably expand to a site, a larger site, somewhere else. This site is just for like in edible crop production, lettuces and herbs, maybe some flowers too. Yeah, no plans to do the hemp here, maybe just to do a small trial just to see if it's feasible, which I don't know. You never know until you try.

Rob Carpenter: Okay, thank you and Mr. Chair, I have one other question potentially for Bob Braun.

Ken Schmitt: Go ahead.

Rob Carpenter: One of the other public speakers mentioned that in Brookhaven Town, agriculture was permitted in residential zoned as-of-right, and I think that's regardless of the size of the farm. Bob, do you know anything that could confirm that comment?

Robert Braun: I believe that's correct. I believe that in every zoning district agriculture is permissible in the zone irrespective of whether it's residential or commercial or industrial, it's a permitted use.

Rob Carpenter: Thank you, and I have one other question and then I'll yield. I believe that under Ag & Markets Section 301 in the definitions, Ag & Markets does clearly state "agricultural production can take place in buildings, under glass and under cover." Is that correct?

Robert Braun: Is that directed to me again, Rob? Yes, I believe that's correct.

Rob Carpenter: Thank you. No further questions.

Ken Schmitt: Any other questions? Looking for hands, Augie?

August Ruckdeschel: I don't see any other hands.

Ken Schmitt: All right. If not, is there a motion on this parcel to, whatever the motion may be?

Dennis Brown: I'll make the motion to approve.

Ken Schmitt: Who made that?

Dennis Brown: Dennis Brown

Ken Schmitt: Dennis Brown. Second to that? Somebody want to make a second to that?

Rob Carpenter: This is Rob. I'll make that second.

Ken Schmitt: All right. Call the vote.

(Roll Call by Lauren Allegue, Planning Aide)

Rob Carpenter: Seconded

Leg. Al Krupski: Yes

Sarah Lansdale: Yes

Nora Catlin: Yes

Dennis Brown: Motioned

Laurie McBride: Yes

Ken Schmitt: Yes

Karen Rivara: Yes

Lee Foster: No

Lauren Allegue: That was a no?

Lee Foster: Yes, Ma'am.

Frank Beyrodt: Yes

Lauren Allegue: Okay, so that's nine yeses.

Ken Schmitt: The motion passed.

August Ruckdeschel: Lauren, you're up again.

Lauren Allegue: Okay, so this is Lavender by the Bay. It is located in Calverton in the Town of Riverhead. The three parcels total 30.9 acres. It is a horticulture operation, specifically lavender. It has been an agricultural operation for greater than five years, and it is over seven acres and has at least \$10,000 in annual gross sales specifically, greater than \$50,000. Over 50% of the farm is in agricultural production; and over 50% actually, sorry, 100% is prime soil. The development rights have been sold to the Town of Riverhead, and there is just a few, in terms of structures, there's just two or three storage containers that they use for the sale of lavender, oils, soaps, honey, etc.

Ken Schmitt: All right. Any questions?

August Ruckdeschel: Chair, I just want to note an error on the map that will get corrected. So, the Town purchased the development rights on that northern parcel, but also, this, if you could see my cursor, this parcel as well. So, that wasn't noted on there, but we will have that corrected.

Ken Schmitt: All right. Any questions? If not, entertain a motion to take an action on this? Is there a motion?

Lee Foster: So moved, Lee.

Ken Schmitt: Second?

Leg. Al Krupski: Second, Legislator Krupski.

Ken Schmitt: All right.

Robert Braun: I'm sorry, who made the motion?

August Ruckdeschel: Lee Foster

Lee Foster: I think I did, yes.

Robert Braun: Thank you.

Ken Schmitt: No other questions. I'll call for the roll.

(Roll Call by Lauren Allegue, Planning Aide)

Rob Carpenter: Yes

Leg. Al Krupski: Seconded

Sarah Lansdale: Yes

Nora Catlin: Yes

Dennis Brown: Yes

Laurie McBride: Yes

Ken Schmitt: Yes

Karen Rivara: Yes, and actually, the last name is Rivara, but that's okay.

Lauren Allegue: Oh, I'm sorry. Thank you. Rivara. Thank you for that.

Lee Foster: Motioned

Frank Beyrodt: Councilman Beyrodt says "Yes".

August Ruckdeschel: I've never known anyone to have her last name mispronounced than Karen, so don't worry about it Lauren.

Lauren Allegue: Thank you. That's ten, sorry.

August Ruckdeschel: Okay, the next application is for **Sylvester Manor Educational Farm, Inc.** in Shelter Island. It's a 138.7 acre parcel. Approximately ten acres are in food crops, ten acres are in livestock, farm woodland is 30 acres, and then there's a farm stand, mill, compost area on about three acres on the southeast corner, which we can kind of zoom in over here. It's an existing operation, it's in operation for longer than five years. It is in active agricultural production. Let's see what else? 74% of the soils are classified as prime soils. On this particular parcel, the development rights have not been purchased, but I can note that on the adjacent parcels, which are also owned by Sylvester Manor, that we own the development rights on those, and those are also already in the Ag District. They've made more than \$50,000 in capital improvements in the last five years. A lot of the woodland is intended for silvo-pasture for the raising of pigs, laying chickens and eventually, they would like to introduce goats into that parcel as well.

Ken Schmitt: All right, any questions?

Leg. Al Krupski: What is the nature of the cut-out, the square in the middle of the parcel?

August Ruckdeschel: I think, so there's a different owner of that parcel when I looked into it. Legislator Krupski, is it okay if we ask Steve Searl who is with us or was with us. I do know it's a different owner.

Leg. Al Krupski: I'm sure Steve would know. Thank you.

Steven Searl: Hi, can you hear me? Hi Al. Yes, it's a different owner and it's just been a historically different owner for decades now. So, it's a part of the family, but now under different ownership than Sylvester Manor. Not owned by the not-for-profit Educational Farm.

Leg. Al Krupski: Thank you Steve and thank you Augie.

Ken Schmitt: Any other questions? If not, I'd entertain a motion?

Leg. Al Krupski: Krupski makes a motion to approve

Ken Schmitt: Okay.

Lee Foster: Second.

Ken Schmitt: Any other discussion? If not, all in favor, take a roll call, I'm sorry.

(Roll Call by Lauren Allegue, Planning Aide)

Rob Carpenter: Yes

Leg. Al Krupski: Motioned

Sarah Lansdale: Yes

Nora Catlin: Yes

Dennis Brown: Yes

Laurie McBride: Yes

Ken Schmitt: Yes

Karen Rivara: Yes, thank you.

Lee Foster: Seconded

Frank Beyrodt: Yes

Lauren Allegue: Okay, that is ten.

Ken Schmitt: Motion passed.

August Ruckdeschel: Okay, Andrew you're up. Andrew, we can't hear you.

Andrew Amakawa: Can you hear me now?

August Ruckdeschel: Yup.

Andrew Amakawa: Okay. I'm just sharing my screen. Can everybody see the map?

August Ruckdeschel: Yes, we can.

Andrew Amakawa: All right, so this application is for **Polsinelli Management Co.** That's the ownership. I just want to note that it is care of Daniele Polsinelli, who provided the application. The farm name is East End Flower Farm.

It's being leased to Marcos Ribeiro, the farm operator, where they're in agreement with Mr. Ribeiro. The property is located in the Town of Southampton. It's north of Jagger Path and south of Old Country Road. It totals three parcels that are being applied for and totaling 19 acres. It is located specifically in the Hamlet of Remsenberg-Speonk. The enterprise type? The application states horticulture. Just want to note that so, they're really proposing horticulture on eighteen acres of the property, but currently, it's not currently in active commercial agricultural production. As for the operation status? The application states newly established. Just again, to note that the parcels themselves are not currently, in active production, they are proposing the flower production use. Duration of the project? The application states less than one year. Again, it's proposed for ag production. And, in regards to the Farmland Protection Board guidelines: Does it involve an active commercial ag production use? Not currently, at this time. Does the proposal involve or is it at least seven acres and at least generating \$10,000 in annual gross sales? The application stated below \$10,000 in annual gross sales. Staff followed up with the applicant to confirm that currently, there is no gross sales. I will note later, they have, the operator/farm operator has existing farm operation on other parcels. That will be noted later. Is there at least 50% of the farmland in ag production? No. Does 50% of the farmland contain prime soils or soils of statewide significance? Approximately 94% are prime soils. Have the development rights been purchased by a municipality or non-profit on the farmland? No. In regards to capital improvements in the last five years, the applicant clarified that there are none. In regards to this application, again, it's proposed for the commercial ag production use for flowers. Staff did follow-up with the applicant in regard to current and planned uses of the property. So that information is provided for the Board. I'm just going to run through that. The current use is proposed. They do mention up front that they do have two rental homes. There's also an existing non-commercial apple orchard totaling approximately .38 acres of the 19 acres. They do have a cleared area waiting for commercial ag production, so that's specifically the woodland that was cleared and they are intending to harvest and then plant in commercial flowers, according to their application. So that cleared area is approximately 5.62 acres out of the 19. There's woodland that they state are waiting for commercial ag production, so it's specifically, waiting to be cleared and harvested and then planted in commercial flowers according to the application, and that would total approximately 10.26 acres. And in regards to proposed uses: So, they are proposing to have two farm labor homes. An existing non-commercial apple orchard will remain, so that .38 acre area will remain for non-commercial use, and then in terms of commercial ag production, they are proposing to utilize 14.84 acres, which would encompass the cleared area as well as future cleared areas of the woodland on that property. They're stating that the woodland that would remain would be approximately .76 acres out of that 19. In terms of some additional information, again, the farm operator, Marcos Ribeiro, has three other parcels in Suffolk County that are part of his single farm operation. He identifies them by Tax Map. All of them are in the Town of Southold. Again, three parcels. One is a property that he leases consisting of 5.5 acres, where he states he grows cut sunflowers. The second property is approximately 19.66 acres, he states he owns. That has a hops, vegetable production and pumpkins farm operation. It actually happens to be also County Purchase of Development Rights land. The third parcel, it states that he leases 45 acres, where he produces small grain, as well as cut flowers.

Ken Schmitt: That's also in the Town of Southold?

Andrew Amakawa: Those three are in the Town of Southold, and he also further states that he is generating revenue from those other parcels, not the subject parcels, but the revenue from those other parcels are exceeding \$100,000 for the farm operation. Lastly, just want to note, so the applicant, Daniele Polsinelli of Polsinelli Management, she provided in a cover letter to the Board, dated April 19th, supplemental information consisting of correspondence that included correspondence with the Town of Southampton in regard to clearing activities on the property, which resulted in a stop-work order. Town environmental review requirement correspondence, as well as Newsday article about the family orchard. I just want to note again, that the applicant is on the line, as well as the Town, so if the Board has any specific questions about this application and the current and proposed uses. They will be able to answer questions directly, from the Board.

Ken Schmitt: Andrew, am I right that the testimony from the Town at the public portion, they said there was two houses on the property? Where are they located?

Andrew Amakawa: Yeah, we have some site visit photos. Just bear with me. I'm going to try to get you a better map here. This one is a little far to see where they're located. So this would be the southern end of the property, so three parcels, southern end, cleared area here. I believe the two homes are located here where I am circling at the southern end of the property. So, I'll share with the Board, this is site visit photos, bear with me a minute...

Daniele Polsinelli: Andrew, do you mind if I comment on the two houses?

Andrew Amakawa: Yeah, if you're on the line, if you could just

Daniele Polsinelli: I'm Daniele Polsinelli. My family owns this property. They've owned it for the last, over 70 years. The two small houses on the property were actually built by my Great-Grandfather by hand, so they're quite small. They were built before 1957; and I know there was a question about not having the proper permits. I'm actually in the process of applying for the pre-existing Certificates of ownership, I'm sorry, Certificates of Occupancy for both of them.

Ken Schmitt: All right. Thank you.

Andrew Amakawa: Okay, I'm just going to run through some of the photos here. So, the homes were in the first couple of photos you saw. And, then, this is the existing non-commercial apple orchard, and the cleared areas are in the back of the house area, so just to the north of the two homes heading from west.

Daniele Polsinelli: Can I mention one more thing?

Ken Schmitt: Well, let's let Andrew finish.

Andrew Amakawa: I'm almost done. So, this is the other residential structure and a shed. So that completes the site visit photos.

Ken Schmitt: All right. Any questions from the Board? Would the Board like information? No questions. All right, the applicant had one comment you wanted to make.

Daniele Polsinelli: Yeah, so the reason that the property is in that state is because we actually received a Stop-Work Order from the Town of Southampton, barring us from doing any additional clearing. So, I just wanted to make it clear that we are not, we are committed to this project and we want to make sure that this becomes a fruitful kind of piece of land instead of something that is not so.

Ken Schmitt: All right, thank you, thank you. All right.

Leg. Al Krupski: What's the, if I could Mr. Chair?

Ken Schmitt: Okay.

Leg. Al Krupski: What's the underlying zoning on the parcel, if I could ask?

Andrew Amakawa: Sure. It's actually listed on the map. It's zoned Residential A-80.

Leg. Al Krupski: Thank you.

Ken Schmitt: Any other comments, questions?

Andrew Amakawa: I have to correct that. I went to the wrong farm map, so I just want to make a correction. It's

zoned Residential 40.

Ken Schmitt: One acre.

Leg. Al Krupski: Thank you.

Andrew Amakawa: No problem.

Rob Carpenter: This is Rob. I have a couple of questions, if you'll indulge me?

Ken Schmitt: Go ahead, Robbie.

Rob Carpenter: So, my understanding is that there is a lease with the farmer on this property. Would you be inclined to tell us is it a longer term lease to allow the potential farmer to continue to grow and cultivate this property?

Daniele Polsinelli: Yes, it's a ten-year lease.

Rob Carpenter: A ten-year lease. I think that this is, and also, the other question I have for staff is, I see that there are two existing parcels next to it, actually, three, that are already included in an ag district and I'm presuming that the soil here, again, are prime soils?

Andrew Amakawa: Yeah, the soils, I can't speak to the parcels to the east, but the soils on this property are, I'll just give you the percentage of prime soils again, um, 94%.

August Ruckdeschel: It's 94%.

Andrew Amakawa: Yes.

Rob Carpenter: Okay, thank you. I have no further questions at the moment.

Ken Schmitt: Andrew, do you know if the town is prohibiting the clearing of the land or just that the applicant went forward with clearing without getting the proper approvals?

Andrew Amakawa: So, for staff's understanding, that the clearing was actually, not allowed without appropriate town review and approval, environmental review, but I would defer to the town. I'm not sure if there is a representative on the line. David Wilcox was on the line, but I would defer to the town to explain what the zoning issue would be there, if any.

Ken Schmitt: I guess they're not on. Alright, any other questions from the Board members? If not, I'd entertain a motion one way or the other on it? Somebody take an action?

Lee Foster: I'll make a motion.

Rob Carpenter: I will second the motion.

Ken Schmitt: To include?

Lee Foster: Yes, sir.

Rob Carpenter: Yes, please.

Ken Schmitt: Any further discussion? If not, call for a vote.

(Roll Call by Lauren Allegue, Planning Aide)

Rob Carpenter: Seconded

Leg. Al Krupski: Aye

Sarah Lansdale: No

Nora Catlin: Yes

Dennis Brown: Yes

Laurie McBride: Yes

Ken Schmitt: No

Karen Rivara: Yes

Lee Foster: Motioned.

Frank Beyrodt: Yes

Lauren Allegue: Okay, that's eight yeses.

Ken Schmitt: All right, motion passed.

August Ruckdeschel: Andrew, you're next.

Andrew Amakawa: Okay. The next application is **Harbes Family of Farms**. This is a total of four parcels, totaling 45.3 acres. Two of the parcels are located north of Sound Avenue, west of Hallock Lane. A third parcel is also on the north side of Sound Avenue on Hallock Lane. So the first two are in the Town of Riverhead, and the third one just mentioned is in the Town of Southold, and then there's a fourth parcel in a different location on a different map we'll get to in a minute, but that's located in the Town of Riverhead.

So, on the map here you see the first two parcels located in the Town of Riverhead. I'll just go to the next map. The third parcel is nearby to the east, in the Town of Southold, and again, the fourth parcel is located also in the Town of Riverhead, a different location. So, to go through some of the information here. The type of operation is a food/horticulture/livestock/husbandry operation. It's an existing operation that's been in existence for greater than five years. Does the proposal involve an active commercial ag production operation? Yes, it does. Does the proposal involve, actually, this one doesn't apply. I'll stop there. Next question. Are there at least seven acres and at least \$10,000 in gross annual sales? Yes. Is the farmland in ag production? At least 50% of it in ag production? Yes. Does 50% of the farmland include prime soils? Approximately 89%. Have the farmland development rights been sold on the subject parcels? So, one of the four, the development rights parcel, the development rights have been sold specifically, on the parcel that's located in Riverhead. It's Lot 7.18.

August Ruckdeschel: It's the one you have on the screen.

Andrew Amakawa: Yeah, the one I have on the screen. Okay, and just to summarize there. So, it's really an active operation for food/horticulture and livestock/husbandry, and there's a residence on Lot 7.4, which, I'd have to go the

map, but that's the parcel that's located in Southold. And, that really completes the presentation. Just want to add in there one last thing. Capital improvements over the last five years have been greater than \$50,000, and that completes Staff presentation. So, if there's any questions we'll do our best to address them.

Ken Schmitt: Any questions on these parcels? If not, I'd entertain a motion to approve.

Leg. Al Krupski: Krupski will make a motion to approve all four parcels for inclusion.

Ken Schmitt: Second to that?

Karen Rivara: I'll second.

Ken Schmitt: Thank you Karen. No other questions? I'll call for the vote.

(Roll Call by Lauren Allegue, Planning Aide)

Rob Carpenter: Yes

Leg. Al Krupski: Motioned

Sarah Lansdale: Yes

Nora Catlin: Yes

Dennis Brown: Yes

Laurie McBride: Yes

Ken Schmitt: Yes

Karen Rivara: Seconded

Lee Foster: No response.

Lauren Allegue: Sorry, I didn't hear you Lee. We'll skip Lee for now.

Frank Beyrodt: Yes

Lauren Allegue: Lee, are you there?

August Ruckdeschel: We may have lost her.

Lauren Allegue: Okay.

Lee Foster: Yes, for Lee

Lauren Allegue: Okay, that's ten.

Ken Schmitt: Motion passed.

August Ruckdeschel: Okay, back over to me. So, Suffolk County Farm is next. This is the Suffolk County Farm

in Yaphank. It's owned by Suffolk County, managed by Department of Economic Development and Planning. The stewards of the property are Cornell Cooperative Extension of Suffolk County. It's in the Town of Brookhaven, Hamlet of Yaphank. It's 25.1 total acres being proposed to enter the Ag District. All the acreage, which is south of the train tracks that you see there, have been cover crop for the last few years. It is in agricultural production in regards to the other parcels on the operation. The other parcels of the farm are in agricultural production right now that are just there. I'm not sure if it's mapped, but all of the parcels to the north. I can bring up a live map if you'd like. Currently, there's not \$10,000 worth of sales on these parcels, but there's more than \$10,000 in sales with the adjacent acreage, including kind of pumpkin sales and field crops that they're growing over there. 92% of the soils of these two "T" shaped parcels are considered prime soils. It is part of the permanent Honor Farm dedication, so back in 2003, the Suffolk County Legislature passed a resolution dedicating this parcel and others at Suffolk County Farm as being part of the Honor Farm, which is dedicated for agricultural use, exclusively, and yeah, that's the conclusion of the Staff Report.

Ken Schmitt: Any questions of Augie? If not, I'd entertain a motion to include this parcel, these parcels.

Leg. Al Krupski: Mr. Chairman, I do have a question for Augie.

Ken Schmitt: All right.

Leg. Al Krupski: Is this the only portion of the Suffolk County Farm that's not in an Ag District?

August Ruckdeschel: That's correct. All the parcels to the north are already in the District.

Leg. Al Krupski: Thank you.

Nora Catlin: I have a question for Augie, if it's okay. This is Nora.

Ken Schmitt: Go ahead.

Nora Catlin: As an employee of CCE Suffolk, is there any concern that I should or should not vote?

August Ruckdeschel: Oh, um, I don't think so. I mean, you know, Economic Development and Planning have owned the property. Sarah's able to vote. Bob, is there a conflict there?

Robert Braun: No.

Nora Catlin: Okay, all right. I just figured I'd double-check. Thank you.

Ken Schmitt: You're welcome. Thanks, Nora. Any other questions? If not, I'd entertain a motion to include this?

Frank Beyrodt: I'll make a motion.

Ken Schmitt: All right. Is there a second?

Sarah Lansdale: Second.

Ken Schmitt: Sarah seconds.

Sarah Lansdale: Yes.

Ken Schmitt: Any questions? If not, all in favor? I shouldn't say, I'm sorry, Roll Call.

(Roll Call by Lauren Allegue, Planning Aide)

Rob Carpenter: Yes

Leg. Al Krupski: Yes

Sarah Lansdale: Seconded

Nora Catlin: Yes

Dennis Brown: Yes

Laurie McBride: Yes

Ken Schmitt: Yes

Karen Rivara: Yes

Lee Foster: Yes

Frank Beyrodt: Motioned

Lauren Allegue: That is ten.

Ken Schmitt: Motion passed.

August Ruckeschel: Andrew, you're back up. Andrew, do you want me to manage the slides? Okay, you got it.

Andrew Amakawa: So, the next application is for **Sheryl A. DiGiorgio**. That's the landowner. The farm name is Long Island Earth. It consists of five parcels totaling 1.1 acres. They are located in Coram, in the Town of Brookhaven. The operation type is, the application states that it's food crops, horticulture and livestock. These are proposed agricultural uses, since the property is not currently in active agricultural production, as confirmed by a site visit, and the applicant, specifically Pete DiGiorgio. In terms of the operation status, the application states newly established, however, again the site visit and the applicant have confirmed that the subject property is not in current active commercial ag production. The applicant is proposing, again, a commercial ag production use on the subject property, and then, in terms of the duration of the operation, the application stated less than one year, but further clarification from the applicant confirmed that, again, the property is not currently in active commercial agricultural production, and there is no commercial farm operation at this time. In regards to the Board guidelines: Does the proposal involve a commercial ag production operation? No, it doesn't at this time. Are there less than seven acres and greater than \$50,000 in annual gross sales? So, in response to staff follow-up questions with the applicant, the applicant clarified via email on April 19th, that there was an error in their application and they have not generated revenue from agriculture in a few years, and they plan to restart the operation. Is there at least 50% of the farm being used in ag production? No. And does 50% of the farm include prime soils on the subject land? No, 0% are prime soils. And, have the farmland development rights been purchased by a municipality or a non-profit? No. In terms of capital improvements in the last five years, the applicant states between \$10,000-\$50,000 (inaudible). To recap, again, it's a proposed food crops, horticulture and livestock operation. I'm just going to read some information provided by the applicant Sheryl DiGiorgio, dated March 25th. In that letter she states: "My husband and I are looking to expand our greenhouse and poultry egg farm as part of our retirement plan. On our property, we have a 30 x 40 x 16 ft. greenhouse and a large chicken coop for egg production that holds 40-50 hens. We grow a variety of crops and flowers in our greenhouse, as well as eggs from our chickens, that we will be selling our harvest and eggs

at local farmer markets."

In response to staff follow-up requests to describe the current land and buildings uses, equipment, and materials currently on the subject property and to provide a map depicting and labeling the same: the applicant, Pete DiGiorgio, provided by email on April 19th, which I'll share, an aerial photo map. I'm just going to pull that up. So this is an aerial of the five parcels. Staff did visit the property, and we'll show you the photos from that, but this is the photo map that they provided, which labels the primary residence, tractor and equipment storage and a repair shop, a greenhouse, and planned chicken coop area. The applicant further indicated that there are currently no plans for additional structures and they have a greenhouse and chicken coop already. And, in response to staff follow-up questions, the applicant provided some additional information. They provided a five-year financial forecast chart, which projects revenues from selling eggs and potted plants for five years. They also provided information about capital improvements, which included chicken coop, greenhouse frame, power and water hook-up, and then also planned improvements including new cover for the greenhouse, LED grow-lights for extended growing and automated nutrient set-up. Again, that information was shared with the Board in Box. I'm just going to take you through the site visit photos now.

So arriving on site, the applicant/landowner, Peter DiGiorgio, pointed out the area where they have the chicken coop. This is kind of facing in a southwesterly direction, just off Buchanan Avenue and then, upon entering the property, we just took some photos of what was on site. This is the residence area. There were storage of materials and equipment, did not appear to be related to a current ag production use.

Ken Schmitt: You didn't get a picture of the greenhouse, did you?

Andrew Amakawa: Yeah, it's coming up. This is the greenhouse in the back of the property. I just want to note, the applicant may be on the line, so if the Board has any questions about the current or planned uses, they may be able to ask them directly to the applicant. Greenhouse, farm equipment (Andrew pointing to greenhouse frame and equipment in photo.) So, those are photos from the site visit. That completes the Staff Presentation and if there's any questions, the applicant may be on the line.

Ken Schmitt: All right, is there any discussion? Any questions from the Board members between ourselves or for the applicant, I should say? If not...

Leg. Al Krupski: I do have a question or comment for my fellow Board members, if I could?

Ken Schmitt: Go ahead, Al.

Leg. Al Krupski: So, we've approved small parcels before generally, with a plan for agriculture or an effort shown to produce food and continue that or expand on that. I don't have a problem with, you know, recognizing agriculture at any scale, but it doesn't seem to be a great deal of agriculture going on here right now.

Ken Schmitt: After reviewing these in the past here in its present state, it's not viable for agriculture now. It doesn't appear viable now. I think with some effort, the landowner may be able to make it viable, but at this point, it doesn't appear that it's of much use for agriculture in its current state, was my original opinion on it.

Augie Ruckdeschel: Karen and Laurie both have their hands up.

Ken Schmitt: Either one?

Karen Rivara: Yeah, I just didn't see a plan for sort of clearing out a lot of the old equipment and vehicles and such so that it could be used viably for agriculture use. To me, I'm seeing a huge capital expense and I'm not sure what the plan is for that?

Ken Schmitt: Thank you Karen. Laurie?

Laurie McBride: Yeah, my question just was a clarification. Is he currently selling plants and eggs or that's all theoretically planned?

Andrew Amakawa: So, it's the staff's understanding that no, he's not currently selling ag products.

Laurie McBride: Or using the greenhouse in any manner?

Andrew Amakawa: No. Again, if the applicant is on the line, I would definitely encourage them if they want to address it, that specific question. Mr. DiGiorgio or Mrs. DiGiorgio, are you on the line at this time?

Ken Schmitt: All right, no response. All right, I'd entertain a motion one way or the other on this? In the essence of time, we've got a number of other applications yet.

Karen Rivara: I'll make a motion to disapprove.

Ken Schmitt: Who was that?

Karen Rivara, I'm sorry, Karen Rivara.

Ken Schmitt: Karen Rivara. Second to that?

Laurie McBride: Laurie will second.

Ken Schmitt: Any further discussion? If not, we'll call for a vote.

(Roll Call by Lauren Allegue, Planning Aide)

Rob Carpenter: I agree with the motion to disapprove.

Leg. Al Krupski: Yes

Sarah Lansdale: Yes

Nora Catlin: Yes

Dennis Brown: Yes, to disapprove.

Laurie McBride: Made the second.

Ken Schmitt: Yes

Karen Rivara: Made the Motion.

Lee Foster: No response.

Lauren Allegue: I'm sorry, I didn't hear Lee Foster's vote.

Lee Foster: Yes

Lauren Allegue: Thank you.

Frank Beyrodt: Yes, to disapprove.

Lauren Allegue: Okay, so that is ten to disapprove.

Ken Schmitt: Motion passed.

August Ruckdeschel: Okay, let's keep rock'in and roll'in. Okay, next is **Thatch Meadow Farm LLC**, also known as Thatch Meadow Farm, in the Town of Smithtown, Hamlet, well I guess it's in the Village of Head of the Harbor. Subject parcel acreage is 19 acres. Two acres in food crop production, two acres in horticulture, ten acres in livestock production, two acres of farm woodlands. It is newly established for approximately one to two years. The proposal does involve an active commercial agricultural production. Is at least 50% of the farmland in agricultural production. Yes, 16 out of the 19 acres are in some type of agricultural production. Does 50% of the land include prime ag soils? Yes, 54% is classified as prime soils. The development rights have not been sold on this property. The capital improvements over the last five years are listed at below \$10,000. There are five residences on the property, including an office, sheds and a barn for storage.

Ken Schmitt: Any questions?

Leg. Al Krupski: Augie, how many residences did you say were on there?

August Ruckdeschel: Five residences.

Leg. Al Krupski: What's the acreage?

Ken Schmitt: 19 acres.

August Ruckdeschel: 19 acres.

Leg. Al Krupski: And, what's the underlying zoning?

August Ruckdeschel: I have that.

Ken Schmitt: Head of the Harbor is probably two acres

August Ruckdeschel: A

Ken Schmitt: Head of the Harbor, no doubt, is likely two-acre zoning, minimum.

Leg. Al Krupski: Wow. Okay, thank you.

Rob Carpenter: And, this is in Brookhaven Town?

August Ruckdeschel: This is in the Village of Head of the Harbor.

Rob Carpenter: In Brookhaven Township?

Sarah Lansdale and August Ruckdeschel: No, Smithtown.

Rob Carpenter: Thank you.

Sarah Lansdale: Augie, I have a question.

August Ruckdeschel: Yeah.

Sarah Lansdale: The Village, do they support this? Just remind me.

August Ruckdeschel: The mayor did supply a letter supporting this application.

Ken Schmitt: Okay.

Sarah Lansdale: Okay, thank you.

Ken Schmitt: At first, I was under the understanding that the Village wasn't in agreeance with it. Am I right?

August Ruckdeschel: They provided a letter yesterday, I believe, supporting the application.

Ken Schmitt: Okay, originally I thought they were opposed to it, but all right, the Village... We've heard some public comments supporting it only. All right, is there any other discussion? If not, I'd entertain a motion to approve it?

Sarah Lansdale: I'll make a motion.

Ken Schmitt: Sarah makes a motion. Second?

Rob Carpenter: I'll second that motion.

Ken Schmitt: Any further discussion? If not, we'll call a roll call vote.

(Roll Call by Lauren Allegue, Planning Aide)

Rob Carpenter: Seconded.

Leg. Al Krupski: Yes

Sarah Lansdale: Motioned.

Nora Catlin: Yes

Dennis Brown: Yes

Laurie McBride: Yes

Ken Schmitt: Yes

Karen Rivara: Yes

Lee Foster: Yes

Frank Beyrodt: No

Lauren Allegue: Okay, that is nine approved.

August Ruckdeschel: All right, home stretch here. Andrew, you're back up. Andrew are you talking?

Andrew Amakawa: Sorry about that. I had a meeting issue again. Okay, back on. This next application is **Topping Horse Farm**. It's a total of six parcels totaling 14.2 acres. It's in the Village of Sagaponack, north of Gibson Lane and west of Daniels Lane. In terms of the type of operation, it's a commercial horse boarding operation. It's an existing operation in existence for greater than five years. Does the proposal involve an active commercial agricultural production operation? Yes. Does the proposal involve an active commercial horse boarding operation? I must say, is yes. Are there at least seven acres and at least \$10,000 in annual gross sales? That's the question, and the applicant's attorney, Kieran Murphy confirmed by email on April 21st that the subject property, six parcels consisting of approximately 15.2 acres generates approximately \$8,000 in annual gross sales from the commercial horse boarding use. And, she further indicated that the leased parcel to the north, which is not under consideration for the Ag District, I believe it is already in the Ag District. Yes, on the map, it shows that, that the parcel to the north generates an additional \$4,000, which would total \$12,000 for the overall farm operation in annual gross sales. And Ms. Murphy further indicated that it's expected that the gross sales will increase this year, as the restrictions of the current pandemic are decreased. So, then in terms of 50% of the property being in ag production or in use for the commercial horse boarding operation? Yes, they are. Does 50% of the farm property include prime soils? Yes, while they're not as applicable to horse operations, it is noted that it's 100% prime soils. The development rights have not been sold to any of these parcels. And, in terms of capital improvements, there's been between \$10,000 - \$50,000 and again, applicant's attorney, Kieran Murphy, confirmed that the farm has spent approximately \$20,000 over the last five years, some additional information about that. And again, just to recap on that, an active, commercial horse boarding operation; and Ms. Murphy provided some additional information regarding current land and building uses on the parcels.

So she basically states, there's four owners of the Topping Horse Farm. The first owner, Topping Farm LP owns three parcels Lots 7, 8 and 14. Lot 7 has a residential house on it, a riding ring and a grazing area. And then, Lot 8 contains part of the riding ring, the indoor riding ring, the stables, and a parking area for owners, and for a horse trailer. And then, finally, Lot 14 is an open field and used to ride horses and for the horses to graze. And then, the second owners are 771 Sagg LLC and it owns one lot shown as Lot 12.2 on the tax map; and that lot contains part of the riding ring and fenced-in pasture land for horse grazing and riding. And the third owner is Corner House at Sagaponack LLC. It's identified as Lot 12.3 and it contains a residential house. The rest of the property is fenced and used for horses to graze and riding. So again, this all falls under the farm operation known as Topping Horse Farm, and in regards to the capital improvements on the subject property, Ms. Murphy clarified that the farm has spent again, over \$20,000 over the last five years, most of the money has been used for, as she states, upgrading the riding ring with a special footing consisting of sand and shredded cloth material, which are placed over the existing soil, that provides additional protection for the horses when they are jumping and being ridden. Also, part of the money has been spent on fence repair. And again, there's a leased parcel to the north that's also part of this horse farm for exercising and grazing horses.

Ken Schmitt: Thank you Andrew. Any questions of Andrew on the parcel? On the application, I should say? If not, I'd entertain a motion on this?

Lee Foster: So moved, to approve.

Ken Schmitt: To include it?

Lee Foster: Yes, sir.

Ken Schmitt: All right, Lee makes a motion to include. Second?

Rob Carpenter: I'll second that motion.

Ken Schmitt: You'll second. Any further discussions? Any questions? If not, call for the vote.

(Roll Call by Lauren Allegue, Planning Aide)

Rob Carpenter: Seconded that.

Leg. Al Krupski: Yes

Sarah Lansdale: Yes

Nora Catlin: Yes

Dennis Brown: Yes

Laurie McBride: Yes

Ken Schmitt: Yes

Karen Rivara: Yes

Lee Foster: Motion

Frank Beyrodt: Yes

Lauren Allegue: Okay, that is ten approved.

Andrew Amakawa: Okay, the next application...

Ken Schmitt: Three more to go.

August Ruckdeschel: Who's counting?

Andrew Amakawa: Okay, this next application is for Comfort Farm. The property is located in Bridgehampton in the Town of Southampton. There are three parcels in total. Two parcels are rented by the farm operator/applicant, Comfort Farm, and then there's a third parcel that's owned by Comfort Farm. I'm just going to go over – we split the farm into two sections, so the first part is for the rented parcels. So, the rented parcels consist of a total of 42.2 acres. It's off of Lumber Lane, on the west side of Lumber Lane, as you see on the map depiction here. The operation type is food crops and forage crops. It's currently in existence for greater than five years. The proposal does involve an active agricultural commercial production operation, and between \$10,000-\$50,000 in gross annual sales from these two subject parcels. At least 50% of the farmland is in ag production and 99% of the land is prime ag soils. And then, in terms of capital improvements, below \$10,000 annually. So just to recap on that – an active food and forage crops operation; and the applicant, specifically, Joann Comfort, clarified in an email on April 20th the uses of the land and buildings on the subject property. I'm just going to the next map. Okay, so cultivation areas are on Lot 29.5, so the larger of the two lots for food and forage crops. And then, there's an orchard, which they're going to revitalize on the smaller of the two lots. And then, she notes that there's buildings that are going to be used for farm storage, hay and livestock, currently and to be used, I should say. So that's the two rented lots. Now, the other third lot, which they own, is further north on Lumber Lane, on the east side. Let me just flip the map. Okay, this parcel is ten acres. Specifically, the enterprise type on this property is food crops, livestock, as well as a commercial horse boarding and commercial equine operation use. Currently in existence greater than five years, in terms of the

duration of the operation. It does involve an active commercial ag production operation. There's at least seven acres and at least \$10,000 in annual gross sales. They state specifically, between \$10,000-\$50,000 annually. For the commercial horse boarding equine use, they do state that 10 horses are boarded and stabled on this property. At least 50% of the farmland is being utilized for ag production uses including the commercial horse boarding and equine uses, and it does have 82% prime ag soils on this specific parcel. It has a Town of Southampton easement; and in terms of capital improvements in the last five years, they have greater than \$50,000 in capital improvements. Again, just recapping on this property, it is an active food crops, livestock and commercial horse boarding and commercial equine operation. The applicant, Joann Comfort, clarified by email the following regarding uses of the buildings on the subject property. So, the buildings, they include a horse barn, horse housing structures, a barn for, I'm just going to go to the next map, a barn for hay and storage/tractor storage, greenhouse, chicken coop structures, and a relocated hay storage structure, and there's also a residence up front, along Lumber Lane. That completes the Staff's presentation, if there's any questions?

Ken Schmitt: Okay, any questions of Andrew? If not, I'd entertain a motion on this parcel, on these parcels.

Lee Foster: Motion to approve.

Ken Schmitt: A motion made by Lee. Who would second that? Is there a second?

Dennis Brown: I'll second.

Ken Schmitt: Seconded by Dennis. Any further questions? If not, we'll call the vote.

(Roll Call by Lauren Allegue, Planning Aide)

Rob Carpenter: Yes.

Leg. Al Krupski: Yes

Sarah Lansdale: Yes

Nora Catlin: Yes

Dennis Brown: Seconded.

Laurie McBride: Yes

Ken Schmitt: Yes

Karen Rivara: Yes

Lee Foster: Motioned

Frank Beyrodt: Yes

Lauren Allegue: Okay, that is ten for approved.

Andrew Amakawa: On to the next application. Okay, the next application is for **Cassidy Hill Farms**. The landowner is Oscar Garcia. The property is located in Manorville in the Town of Brookhaven, off of North Street. It's 6.3 acres in size. The type of the operation, according to the application, is food crops on two acres of the 6.3, a commercial horse boarding operation on two acres of the 6.3 acres, and a commercial equine operation on two acres

of the 6.3 acres. The operation status is existing, in operation for greater than five years. Based on the application, the proposal does involve an active commercial agricultural production operation. The application states, yes, that they do have an active commercial horse boarding operation and/or commercial equine operation, however, they do not have at least 7 acres, and they're currently, not boarding at least 10 horses for a commercial horse boarding / commercial equine operation. They specifically, have 6.3 acres and board and stable 8 horses at this time, including two boarded and six stabled horses. For an operation that's less than 7 acres is it generating greater than \$50,000 in annual gross sales? The property is 6.3 acres and the application states that greater than \$50,000 in annual gross sales is generated from the farm operation on this subject land. As for are they boarding at least 10 horses or stabling at least 10 horses? The application states again, eight horses at this time. Is it at least 50% of the farmland in ag production and/or used in support of a commercial horse boarding and/or commercial equine operation? Based on the application description, yes. Does 50% of the included land include prime soils? While, not as applicable for the horse boarding component, it's noted that 7% is prime ag soils for this property. Development Rights are intact on this property; and in terms of capital improvements, there's been greater than \$50,000 in capital improvements in the last five years. So, I'm just going to go through some information that was provided by the applicant. The applicant, Alissa, specifically clarified by email on April 16th and April 19th, the following regarding uses on the land and buildings on the subject property. I'm going to pull up the map where they depict the current and planned uses. So, it's all kind of labeled here. I'm just going to run through. So, Area "A" is where the horse stables are located for a total of four of them. The paddocks is Area "B" post and rail fencing. Area "C" is the pasture area. They state it's where a grass pasture area, outdoor riding and training ring is located. Area "D" is the commercial vegetable area that includes an area that's for growing grapes, as well as an apple orchard. Area "E" is for farm equipment storage, that's specifically, a two-story metal barn and that's where they state they keep their farm equipment. Area "F" is the residential house. Area "G" is a pool area. They state it is used for a summer pony camp for handicapped therapy children. Sorry, I'm having a little trouble scrolling with the chart here. Okay, there's a chicken coop area. I'm just going to look at the map here. It's in area, it's in the central portion of the property, right here, sorry, where "H" is labeled. Area "I" is a slate patio. This area is used for pony camp for a lunch area. Area "J" is a frame barn. This is where their rescued alpacas reside, and this Area "K" is post and rail fence, and this is where they have a rescue pig. So that completes the Staff Presentation. Staff did go visit the site, so we have photos, if the Board would like to see, and if the applicant is on the line, they may be able to address specific questions from the Board, as well?

Ken Schmitt: Are there any questions from the Board?

Dennis Brown: Yeah, Ken, I have a question.

Ken Schmitt: Who's that? I couldn't hear that.

Dennis Brown: Dennis Brown, I have a question.

Ken Schmitt: Go ahead.

Dennis Brown: Andrew that was great. That was a lot of information. So just to sum it up. Does this applicant meet the basic statutory requirements for admission to a district? Or maybe that's for Counsel? I'm not really sure.

Andrew Amakawa: Yeah, it could be a Counsel question as well. So, in terms of the Board's guidelines, I'm just going to go over that again. Some of them are being met and others, not. So, in terms of the commercial horse boarding and equine operation use, the guideline is at least 7 acres, so this is 6.3. It falls just under the 7-acres threshold, and then, in terms of the number of horses stabled, they have 8. But, this is where, again, if the applicant's on the line, there may be other horses that they do get in through the year. When I went out to the site the other day, Alissa, who took me around the property, did say that they do anticipate additional horses. So, if they're on the line, they may be able to confirm whether they're going to be over that 10 horses threshold.

Ken Schmitt: If they want to make a short statement, they can.

Mrs. Garcia: Sure, hi, I'm here. It's Mrs. Garcia. Due to COVID, we had a couple of the horses that were stabled here, moved to a couple of the other facilities and to Wellington for the show season, because there was limited amount of people that could come on to the farm, so we do expect 13 of them back for the continued boarding but due to the pandemic we had to disperse a few and a couple of them did go to showing. We do stand a stallion here and we do breed.

Ken Schmitt: Thank you.

Mrs. Garcia: In two weeks, we're allowed to bring them back from Wellington, the show circuit, and they are allowed to come back now that they've allowed more people to come on to the property, but we had to obey the rules of only a certain amount of people that could come to see their animals. So, we did disperse them, but they are coming back.

Ken Schmitt: Thank you.

Mrs. Garcia: Thank you.

Leg. Al Krupski: Can we see the pictures, Andrew?

Andrew Amakawa: Sure, and before getting to the pictures, just to note that in terms of the guideline, if the property is less than 7 acres, is it generating at least \$50,000 in annual gross sales? So typically, it would be for crop production, and it could also be for livestock. So, livestock would be like, you know, raising and breeding horses or other livestock. Under that guideline, they are generating at least \$50,000 for property that's less than 7 acres.

Dennis Brown: Andrew, before you show Leg. Krupski the pictures, I have a follow-up question, if Leg. Krupski doesn't mind?

Leg. Al Krupski: No, go right ahead.

Dennis Brown: This sounds similar to the application in Manorville last year.

Lee Foster: Yes, it does.

Ken Schmitt: Middle Island. It was Middle Island.

Dennis Brown: It was Middle Island. Am I correct about that?

Lee Foster: Yes, I believe you are.

Dennis Brown: Who's talking anyway?

Lee Foster: Lee

Dennis Brown: And didn't we ultimately vote to approve?

Lee Foster: Yes, we did.

Dennis Brown: It was at the second meeting, right?

Lee Foster: Yes, sir.

Ken Schmitt: Dennis, that parcel was in Middle Island, Middle Island Road.

Dennis Brown: Middle Island, Manorville.

Ken Schmitt: All right, enough discussion. Somebody want to take a motion to take an action on this?

Andrew Amakawa: Don't you want to see the photos, site visit photos?

Ken Schmitt: All right.

Andrew Amakawa: It's up to the Board.

Leg. Al Krupski: I'd like to see them, please.

Andrew Amakawa: Okay, so this is entering the property. I believe it would be on the south or western side of the property, the paddock areas, pasture areas. Actually, with the applicant on the line, I would, if you want to describe some of what we're seeing here it would actually be even better, if you wished to do that.

August Ruckdeschel: Andrew, why don't you just go through them real quick and see if they have any questions.

Andrew Amakawa: I'm just going to show you the photos. If you have any questions after, feel free. This is the chicken coop area. This area is where the alpacas are located, more pasture paddocks, stable areas, main stable. In the back of the property sort of to the north or maybe towards the west is the vineyard, which they're establishing. And, this is the equipment storage barn that they state on their application, and this is, I'd have to check the map on this, but this is another area for farm use. This is the area where they're starting to grow some apple trees, I believe and that's it.

Ken Schmitt: Alright, any questions? I'd entertain a motion to act on this property whichever way?

Leg. Al Krupski: I'll make a motion to approve.

Dennis Brown: I'll second.

Ken Schmitt: Motion made and second.

Dennis Brown: Seconded.

Ken Schmitt: Call for the vote.

Lauren Allegue: I'm sorry, who made the motion?

August Ruckdeschel: Leg. Krupski made the motion, Dennis Brown made the second.

Lauren Allegue: Thank you.

(Roll Call by Lauren Allegue, Planning Aide)

Rob Carpenter: No response.

Lauren Allegue: Rob Carpenter.

Ken Schmitt: Pass him by.

Lauren Allegue: Alright, I guess I'll move on and come back

Leg. Al Krupski: Made the motion.

Sarah Lansdale: Yes

Nora Catlin: Yes

Dennis Brown: Seconded

Laurie McBride: Yes

Ken Schmitt: Yes

Karen Rivara: Yes

Lee Foster: Yes

Frank Beyrodt: Yes

Rob Carpenter: No response.

Lauren Allegue: Well we have nine as of now.

Ken Schmitt: Alright, let's consider the motion passed and move on.

August Ruckdeschel: Okay, last application. So this is the **Pal-O-Mine Equestrian, Inc.** operation in the Village of Islandia, in the Town of Islip. It's a 1.7 acre parcel. The enterprise type is equine education. It is an existing operation. It's been in existence for longer than five years. It does involve an active commercial agricultural production. It involves an active commercial horse boarding operation. Are there at least 7 acres and at least \$10,000 in annual gross sales? Yes, it is used in conjunction with Pal-O-Mine's contiguous 7.4 acre farm at 829 Old Nichols Road, and 1.03 acres at 891 Old Nichols Road and 0.8 acres at 899 Old Nichols Road. Are at least 10 horses boarded or stabled? All horses are stabled at the adjoining 829 Old Nichols Road main facility. Is at least 50% of the farm in ag production? Yes, it is. Does 50% of the included land include prime soils and/or soils of statewide significance? Yes, 96%. Have the farmland development rights been purchased by a municipality or not-for-profit? No, they have not. Have there been more than \$50,000 in capital improvements in the last five years? Yes, there have been.

In case you're wondering why, just for additional background, why is this coming before the Board again? We initially enrolled this parcel in the Ag District in 2019. It was challenged by the Village of Islandia, and the court vacated that enrollment in 2020, citing procedural flaws. The applicant is resubmitting their application for this parcel. It is bordered by parcels to the north and south that are in the Ag District, as you can see here, these adjacent and contiguous parcels were enrolled in the Ag District. It does include a two-story frame house right along Old Nichols Road where the landowner will be living. It also includes a two-story cottage frame house where agricultural labor resides, an additional adjacent one-story frame house which had previously been used for ag education, but they ceased using that for that purpose and it is potentially a future use of the facility, should they be able to come to agreement with the Village. And, that is the conclusion of the staff report on this parcel.

Ken Schmitt: Thank you. Is it assumed that the property owner is, the applicant is going to do the procedures that the court has rejected it on and passed that in the court action?

Lee Snead (Attorney): I can speak to that if you'd like?

Ken Schmitt: Go ahead.

Lee Snead: This is Lee Snead. The court did not ask the applicant to do any particular procedures. The court invalidated the County's designation because the court believed that SEQRA had not been complied with. So, we anticipate that both the County and the State will perform requisite SEQRA procedures. We actually believe they did before, and we have not doubt they will do again.

Ken Schmitt: Alright, thank you. Any questions from the Board? If not, I'd entertain a motion on this in some form.

Lee Foster: Motion to approve.

Dennis Brown: I do have a question and maybe this question is either for Bob or for Lee Snead? The decision, I do recall now, that the decision related to SEQRA. Was there anything in the decision that suggested that the Board should not act before a SEQRA determination?

Lee Snead: Um, there was nothing in the decision that stated that and there's nothing that the Board would do, because the Board is not a lead agency.

Dennis Brown: Right., but the Village has claimed lead agency status.

Robert Braun: If I can, let me just add to that. I believe what the Court objected to was the form of practice of the Committee to submit all of the approved applications, the ones that the Committee intended to recommend to CEQ in one package. And, what the Court said was improper was, they said that each individual application should be considered separately, and that's the new procedure. That's how it's been handled, last cycle and this cycle as well.

Dennis Brown: Okay.

August Ruckdeschel: I pulled out this, if you could see, from the ruling. It does suggest that respondent Pal-O-Mine may either seek Village approval of the use or renew its application for inclusion in the Agricultural District, prompting in either event, a new and hopefully, thoughtful SEQRA Review. So, the attempt again, is to submit an individual application to the Council of Environmental Quality this time around, which was not the practice formerly.

Dennis Brown: The County was going to seek Lead Agency status, so maybe it did already. So, and I don't know if this question is getting ahead of everything, but was lead agency an issue with respect to the prior decision?

Lee Snead: If I might, lead agency status was accepted by the County and in the prior issue here, there was no coordinated review with the Department of Agriculture and Markets. Last year in applications, they were, in fact, coordinated in review with the Department of Agriculture and Markets and the decision in the 2019 litigation indicated that the County was, in fact, lead agency, and no other entity could be by statute.

Dennis Brown: So, the Village has never challenged the County's attempt at lead agency?

Lee Snead: The Village has challenged it twice, and twice been told they were wrong.

Dennis Brown: Okay.

Ken Schmitt: Okay, all right.

Lee Foster: I'd like, Ken, if I may, I think that the difficulty that it is a riding... this is Lee. Oh, I'm sorry, am I out of order?

Ken Schmitt: No, go ahead, Lee.

Lee Foster: I think this is a confrontation. These people, Pal-O-Mine is confronted with a Village Board that's leaning on regulatory policy and they're quite obviously not farm friendly. So the Village, you know, is not recognizing the benefit of Pal-O-Mine in any way, and I think it's most unfortunate; and Pal-O-Mine is not a blight. So, that's the end of my comment.

Ken Schmitt: Thank you Lee. All right, any other questions? If not, I'd entertain a motion on this one way or the other.

Dennis Brown: I'll make the motion

Ken Schmitt: Dennis Brown made the motion. Who makes the second?

Lee Foster: I'll second.

Ken Schmitt: Lee seconds. Any further discussion? If not, call for the vote.

(Roll Call by Lauren Allegue, Planning Aide)

Rob Carpenter: Yes

Leg. Al Krupski: Yes

Sarah Lansdale: Yes

Nora Catlin: Yes

Dennis Brown: Motioned

Laurie McBride: Yes

Ken Schmitt: Yes

Karen Rivara: Yes

Lee Foster: Seconded

Frank Beyrodt: Yes

Lauren Allegue: Okay, that is ten approved.

Ken Schmitt: All right, motion approved. Okay, that wraps up the applicants for this year. One other thing on the agenda that we have is **Harbes Farm**, which maybe I don't know who should, does Sarah want to address the issue or whatever, pertaining to the request for ag approval for ag activities on a piece of the Keyspan property?

Sarah Lansdale: Sure, and I would also like to engage Rob Carpenter, who is a fellow member. So, we received this letter as a Board at the direction of the Riverhead Town Planning Department. Rob do you want to add to this?

Ken Schmitt: This is not the letter. That's the wrong letter. Oh, I'm sorry, no, you're right, go ahead.

August Ruckdeschel: If I can, I'll go. So, it looks like the wrong letter, Chairman, because they sent it to Cornell Cooperative Extension, but it's the right letter. The Town of Riverhead was looking for direction from the Agricultural Protection Board on a current application before the Town requesting permission to construct a Morton type barn, a greenhouse and agricultural workforce housing. And, I know Rob had provided me a copy of the deed on this property, the Chair referred to as the Keyspan property. I'm not super familiar with it off the top of my head, but I did read the deed and look through it, and I did not see anywhere within that deed where it granted authority to this Protection Board to make evaluations or determinations as to the appropriateness or the approval regarding, you know, specific types of agriculture improvements on this land. You know, we reviewed the language of the deed, looked in our files, did not see anything that spoke to this, but I know Rob wanted us to bring it up for Board discussion and to make a determination of how we should respond. Rob?

Ken Schmitt: Robbie?

Rob Carpenter: I've been assisting the Harbes application through my role, other role in my normal job, and basically, there was a little bit of confusion I think, by the Town because they were uncertain whether this Board actually had any type of authority or any type of requirement to comment on what was formerly called the Keyspan Property, whereby Parks and Keyspan donated the land to the Trust for Public Lands, then stripped off the development rights and sold the ag land to the farmers through auction and then also worked to preserve Hallock Park out in Jamesport. We're just here to get some sort of guideline to see if the Ag Protection Board actually has authority and if they don't, basically, comment to that affect so they can move forward, they meaning the Town and Harbes, with this application process.

Dennis Brown: So, this is Dennis. I have a question. I don't know if it's for Bob or Augie or somebody else, but isn't it the authority of this body set forth in the state law?

Robert Braun: Yes, that's right.

Dennis Brown: And is there anything in our Local Law that gives the Board authority to give any type of advisory opinion to any other municipality?

Robert Braun: No.

Dennis Brown: And, I'm assuming the State Law does not give us any authority to give any type of advisory opinion to another municipality?

Robert Braun: No, no, this Board is constituted for one purpose and that is to review applications to be included in agricultural districts and to make recommendations to the Legislature.

Ken Schmitt: When this property was designated as agricultural land, the role that the Protection Board was asked to play at that time was as an advisory board to Parks. They could reach out to us for our opinion. Originally, the landowners, if they wanted to make an improvement on the property, they would submit their application to Parks Department in Babylon. Babylon would send it back to us for what we think about it and send it up to Parks in Albany. All we were, we weren't supposed to monitor the property in any way, but they wanted a set of eyes from the ag community and for some reason, the State designated the Board as that. In the meantime, in the Parks Department, there was some changes in Administration and now the role is reversed, where the landowner submits to Babylon, Babylon submits to Albany, and if Albany requests any input, an opinion, I should say, our opinion, we were

supposed to be able to give them our opinion, whether it was agricultural use or not, but we had no real authority . We were just asked for guidance in determining agricultural activities or whatever and so somehow, in the Town of Riverhead in the Building Department or wherever, somebody in there remembered from the past, and I think that's when Harbes went in to get permits or whatever they were going for approvals, uh, somebody came up with our name, and Robbie did reach out to me and my first response was we have no authority at this point. We're only asked by Parks in Albany for our opinion, so that's what it sounds, I think it's a misunderstanding. And, did Harbes get their approvals on this, on their applications Robbie?

Rob Carpenter: For this time or the last time?

Ken Schmitt: I don't know, whichever this letter pertains to?

Rob Carpenter: So, I think that they have a current application in to Riverhead Town, and this is why we're going through the process to get all of this information.

Ken Schmitt: Okay, Sarah?

Sarah Lansdale: So, Chairman Schmitt, I think I'd like to, if it's okay with you, make a motion that this is a matter of non-jurisdiction before us.

Ken Schmitt: All right.

Dennis Brown: Sarah, may I suggest that we just do a motion to Table? Instead of making a determination on what our jurisdiction is, since it's come before us and it's questionable about whether or not we have jurisdiction, that we just Table the matter.

Sarah Lansdale: Okay, does that provide enough guidance to the Town on what to do?

Robert Braun: Dennis, if I may. Dennis, I don't know how that resolves anything. It just leaves it unresolved until next year.

Dennis Brown: Exactly.

Ken Schmitt: This is not our problem. It's the problem within the Town for not knowing our role in it, our role in the process.

Sarah Lansdale: Bob, what would be an appropriate motion?

Ken Schmitt: Pardon me?

Sarah Lansdale: Bob?

Robert Braun: I'm sorry, if I were a voting member of this Board, I would have seconded your motion.

Leg. Al Krupski: I was going to, if I could unmute in time. I was gonna second Sarah's motion.

Ken Schmitt: Dennis had a motion on the floor to Table. Dennis, do you want to withdraw that motion?

Dennis Brown: I'll withdraw it.

Ken Schmitt: All right, Sarah's motion on the floor to uh, Sarah state your motion.

Sarah Lansdale: The matter is not in our jurisdiction.

Ken Schmitt: All right, and Al, you are prepared to second that?

Leg. Al Krupski: Yes

Ken Schmitt: Okay, any further discussion? If not, all in favor of Sarah's motion?

August Ruckdeschel: Roll call.

Ken Schmitt: Roll call, roll call. Go ahead. I'm sorry.

(Roll Call by Lauren Allegue, Planning Aide)

Rob Carpenter: I will abstain from this vote.

Leg. Al Krupski: Seconded

Sarah Lansdale: Motioned

Nora Catlin: Yes

Dennis Brown: I'm going to abstain.

Laurie McBride: Yes

Ken Schmitt: Yes

Karen Rivara: Yes

Lee Foster: Yes

Frank Beyrodt: Yes, and I will say that from Riverhead's standpoint, I will do what I can to help out any operational farm, so, Yes.

Lauren Allegue: Okay, so that's eight.

Ken Schmitt: Motion passed with two abstentions. All right, is there any other business before the Board tonight? If not, I'd like to thank everybody for over three hours of their time. Quite lengthy, but it is a, at least we can do it from home, we don't have to travel home after it's all over.

August Ruckdeschel: It was actually shorter than last year, believe it or not.

Ken Schmitt: We didn't do too bad for having two lawyers from staff on the meeting, well not staff, one Board member and one staff member, and then numerous attorneys from the other outside. We'll blame it on the attorney's if it took too long.

Robert Braun: That's our job. We have to be available to take the blame, so that's why we're here.

Ken Schmitt: Okay. I thank everybody for their time and hopefully, everything goes as we recommend. Good night

everybody. Is there a motion to adjourn?

Meeting adjourned at approximately 8:38 p.m.

DRAFT - not approved yet by Board